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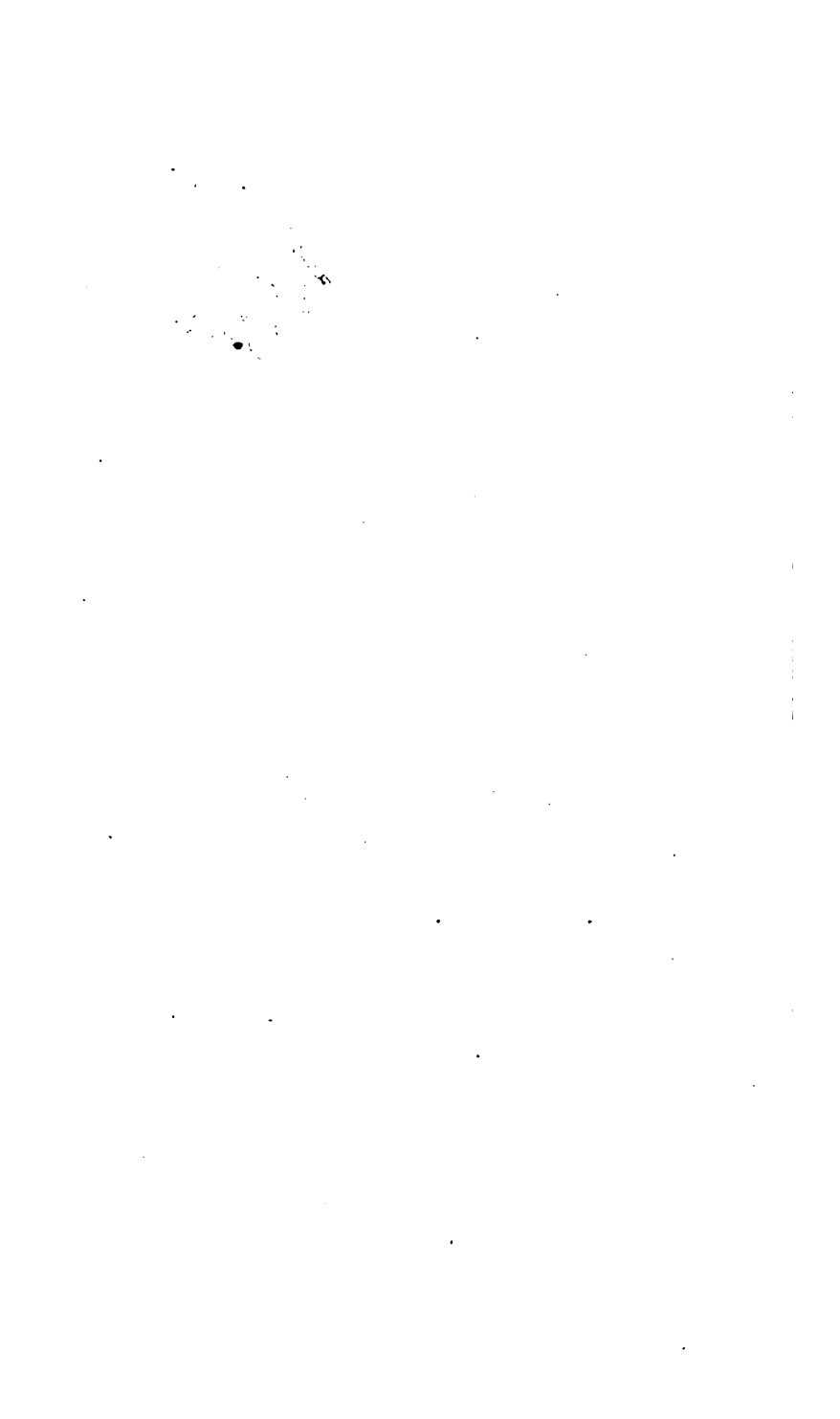
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THE



**Poor Law**

# **ELECTION MANUAL.**

**Third Edition.**

**By W. G. LUMLEY, Esq., L.L.M.,**  
**OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW, AND ASSISTANT**  
**SECRETARY OF THE POOR LAW BOARD.**

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## PREFATORY NOTICE.

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As the Poor Law Board have deemed it advisable to make certain new regulations in reference to the mode of electing Guardians of Unions and Parishes for the purpose of removing some complaints which have been urged against the mode heretofore established, I have prepared a new edition of the Election Manual, which has been out of print for some time.

It will be seen that no material alterations have been made in the proceedings, and the course has been for the most part so free from technical difficulty that it has not been found requisite to introduce any great deal of additional matter. Still, some questions have arisen, and so far as the decisions of the courts of law and of the Poor Law Board afford elucidation of such questions, those decisions have been introduced or referred to in the body of the work.

I wish here, however, to refer to the action of the Poor Law Board in connection with their judicial authority in these matters. The statute 5 & 6 Vict. c. 57, conferred upon that board the authority to entertain questions as to the election of Guardians, and the right of persons returned to act under such election. It was intended to provide a means by which such questions could be disposed of promptly and

without expense. Accordingly, the Poor Law Commissioners and the Poor Law Board have, during a long period, exercised this authority, and have decided a large number of questions, in which the right of persons to act as Guardians has been discussed. Sometimes those questions have required the examination of witnesses, and the evidence has been taken upon oath, in the presence of all parties, by one of the Inspectors of the Board. Such examinations have enabled the facts to be ascertained without much difficulty, while the legal questions have, for the most part, been such as could be determined by reference to authorities readily to be obtained.

The result has been that very little delay has attended the decision of most questions, and the expense incurred has been generally very trifling.

The Court of Queen's Bench, however, in a late case, having reversed a former decision to the contrary, have held that an information, in the nature of a *quo warranto*, will lie for the usurpation of the office of Guardian; and in the case before them, where an application for such an information had been made, have expressed an opinion in regard to this action of the Poor Law Board, which is calculated to restrain the board from exercising the authority in future.

In the course of the argument in the case of *Reg. v. Hampton and Others*, reported in 12 Jur. (N. S.) p. 585, *Mr. Justice Shee*, advertng to the question then before the court, which was as to the construction of a statute preserving the rights of the occupiers of small tenements, observed that "the Poor Law Board was not a proper tribunal to dispose of such a question." The Chief Justice afterwards in his judgment remarked that "as the question is one which turns

almost entirely on matters of evidence, and ought to be tried according to the well known rules of procedure applicable to all such cases, it seems to me to be a case which would be much more properly conducted in a regular court of justice than before a Board of Commissioners sitting in private. I think that even if the jurisdiction of the Poor Law Board had been properly invoked, that board ought not to have exercised it."

Hence, therefore, whether the question invoked be one of law or of fact, the Judges of the Court of Queen's Bench appear to be of opinion that the Poor Law Board ought not to entertain it.

Whether the board will henceforth wholly abstain from entertaining these questions or will only act when all parties concur in their doing so, remains to be settled. In the meantime it is to be observed that having regard to their position as a court of appeal from the decisions of the clerk, it has long been their practice to decline advising him upon any matters of doubt which occur to him in the course of the election. They invariably inform him that he must exercise his judgment upon the point submitted, unless there be some statute, order, or decision to which they can refer him.

Under these circumstances this little treatise may be found of more use to the clerk, the candidates, and the voters at those elections, than when the former editions were published.

W. G. LUMLEY.

*March 14, 1867.*



# THE GENERAL CONSOLIDATED ORDER

OF THE

## POOR LAW COMMISSIONERS,

Dated JULY 24th; 1847, was addressed

*To the Guardians of the Poor of the several Unions named in the Schedule thereunto annexed;—*

*To the Churchwardens and Overseers of the several Parishes and Places comprised within the said Unions;—*

*To the Clerk or Clerks to the Justices of the Petty Sessions held for the Division or Divisions in which the Parishes and Places comprised within the said Unions are situate;—*

*And to all others whom it may concern.*

THE order rescinded all orders previously issued to the unions, with certain exceptions, and among others the order previously issued to the *Nottingham Union* with reference to the election of Guardians, and it provided generally as follows for—

## THE ELECTION OF GUARDIANS.

Article 1.—The Overseers of every Parish in the Union shall, before the Twenty-sixth day of March in every year, distinguish in the rate book the name of every rate-payer in their parish who has been rated to the relief of the poor for the whole year immediately preceding the said day, and has paid the poor rates made and assessed upon him for the period of one whole year, except those which have been made or become due within the six months immediately preceding the said day.

Article 2.—The Clerk shall at every future annual election of Guardians perform the duties hereby imposed upon

him, and all other duties suitable to his office which it may be requisite for him to perform in conducting and completing such election; and in case the office of Clerk shall be vacant at the time when any duty relative to such election is imposed on the Clerk by this Order, or in case the Clerk, from illness or other sufficient cause, shall be unable to discharge such duties, the Guardians shall appoint some person to perform such of the said duties as then remain to be performed, and the person so appointed shall perform such duties.

Article 3.—The Guardians shall, before or during every such election, appoint a competent number of persons to assist the Clerk in conducting and completing the election in conformity with this Order; but if the Guardians do not make such appointment within the requisite time, the Clerk shall take such measures for securing the necessary assistance as he may deem advisable.

Article 4.—The persons appointed under Article 3 shall obey all the directions relative to the conduct of the election, which may be given by the Clerk for the execution of this Order.

Article 5.—The Overseers of every Parish in the Union, and every Officer having the custody of the poor-rate books of any such Parish, shall attend the Clerk at such times as he shall require their attendance, until the completion of the election of Guardians, and shall, if required by him, produce to him such rate-books, and the registers of owners and proxies, together with the statements of owners, and appointments and statements of proxies, and all books and papers relating to such rates in their possession or power.

Provided that, where any register of owners shall have been prepared in any Parish containing a population exceeding two thousand persons, it shall not be necessary to produce the statement of owners.

Article 6.—The Clerk shall prepare and sign a notice, which may be in the Form marked (A.) hereunto annexed, and which shall contain the following particulars (a).

---

(a) The General Order of Jan. 14, 1867, requires additional particulars to be set forth. See *post*.

- 1st. The number of Guardians to be elected for each Parish in the Union.
- 2nd. The qualification of Guardians.
- 3rd. The persons by whom, and the places where, the Nomination Papers in respect of each Parish are to be received, and the last day on which they are to be sent.
- 4th. The mode of voting in case of a contest, and the days on which the Voting Papers will be delivered and collected.
- 5th. The time and place for the examination and casting up of the votes.

And the Clerk shall cause such notice to be published on or before the Fifteenth day of March, in the following manner :—

- 1st. A printed copy of such notice shall be affixed on the principal external gate or door of every Work-house in the Union, and shall from time to time be renewed if necessary until the Ninth day of April.
- 2nd. Printed copies of such notice shall likewise be affixed on such places in each of the parishes of the Union as are ordinarily made use of for affixing thereon notices of parochial business.

Provided that whenever the day appointed in this Order for the performance of any Act, relating to or connected with the Election of Guardians shall be a Sunday or Good Friday, such Act shall be performed on the day next following, and each subsequent proceeding shall be postponed one day.

Article 7.—Any person entitled to vote in any Parish, may nominate for the office of Guardian thereof, himself, or any other person or number of persons (not exceeding the number of Guardians to be elected for such Parish), provided that the person or persons so nominated be legally qualified to be elected for that office.

Article 8.—Every nomination shall be in writing in the Form marked (B.) hereunto annexed, and be signed by one person only, as the party nominating, and shall be sent after the Fourteenth and on or before the Twenty-sixth day of March, to the Clerk, or to such person or persons as may

have been appointed to receive the same, and the Clerk, or such person or persons, shall, on the receipt thereof, mark thereon the date of its receipt, and also a number according to the order of its receipt; provided that no nomination sent before the Fifteenth or after the said Twenty-sixth day of March shall be valid (*a*).

Article 9.—If the number of the persons nominated for the office of Guardian for any Parish shall be the same as, or less than, the number of Guardians to be elected for such Parish, such persons, if duly qualified, shall be deemed to be the elected Guardians for such Parish for the ensuing year, and shall be certified as such by the Clerk, under his hand as hereinafter provided in Art. 22.

Article 10.—But if the number of the duly qualified persons nominated for the office of Guardian for any Parish shall exceed the number of Guardians to be elected therein, the Clerk shall cause Voting Papers, in the Form marked (C.) hereunto annexed, to be prepared and filled up, and shall insert therein the names of all the persons nominated, in the order in which the Nomination Papers were received, but it shall not be necessary to insert more than once the name of any person nominated (*b*).

Article 11.—The Clerk shall on the Fifth day of April cause one of such Voting Papers to be delivered by the persons appointed for that purpose, to the address in such Parish of each rate-payer, owner, and proxy qualified to vote therein.

Article 12.—If the Clerk consider that any person nominated is not duly qualified to be a Guardian, he shall state in the Voting Paper the fact that such person has been nominated, but that he considers such person not to be duly qualified.

Article 13.—If any person put in nomination for the office of Guardian in any Parish shall tender to the Officer conducting the election his refusal, in writing, to serve

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(*a*) See the further provisions as to the delivery of the nomination papers and the dealing with them in the General Order of Jan. 14, 1867, *post*.

(*b*) See in the General Order of Jan. 14, 1867, *post*, what the Clerk is also to do in this case, and the new form of voting paper.



such office, and if in consequence of such refusal the number of persons nominated for the office of Guardian for such Parish shall be the same as, or less than, the number of Guardians to be elected for such Parish, all or so many of the remaining Candidates as shall be duly qualified shall be deemed to be the elected Guardians for such Parish for the ensuing year, and shall be certified as such by the clerk under his hand, as hereinafter provided in Art. 22.

Article 14.—Each voter shall write his initials in the Voting Paper delivered to him against the name or names of the person or persons (not exceeding the number of Guardians to be elected in the Parish) for whom he intends to vote, and shall sign such Voting Paper; and when any person votes as a proxy, he shall in like manner write his own initials and sign his own name, and state also, in writing, the name of the person for whom he is proxy.

Article 15.—Provided that, if any Voter cannot write, he shall affix his mark at the foot of the Voting Paper in the presence of a witness, who shall attest the affixing thereof, and shall write the name of the Voter against such mark as well as the initials of such Voter against the name of every Candidate for whom the voter intends to vote.

Article 16.—If the initials of the Voter be written against the names of more persons than are to be elected Guardians for the parish, or if the Voter do not sign or affix his mark to the Voting Paper, or if his mark be not duly attested, or his name be not duly written by the witness, or if a proxy do not sign his own name, and state in writing the name of the person for whom he is proxy, such Voter shall be omitted in the calculation of votes.

Article 17.—The clerk shall cause the Voting Papers to be collected on the Seventh day of April, by the persons appointed or employed for that purpose, in such manner as he shall direct.

Article 18.—No Voting Paper shall be received or admitted, unless the same have been delivered at the address in each Parish of the Voter, and collected by the persons

appointed or employed for that purpose, except as is provided in Article 19.

Article 19.—Provided that every person qualified to vote, who shall not on the Fifth day of April have received a Voting Paper, shall, on application before the Eighth day of April to the Clerk at his office, be entitled to receive a voting Paper, and to fill up the same in the presence of the Clerk, and then and there to deliver the same to him.

Article 20.—Provided also, that in case any Voting Paper duly delivered shall not have been collected through the default of the Clerk, or the persons appointed or employed for that purpose, the Voter in person may deliver the same to the Clerk before twelve o'clock at noon on the Eighth day of April.

Article 21. The Clerk shall, on the Ninth day of April, and on as many days immediately succeeding as may be necessary, attend at the Board Room of the Guardians of the Union, and ascertain the validity of the votes, by an examination of the rate-books, and the registers of owners and proxies, and such other documents as he may think necessary, and by examining such persons as he may see fit; and he shall cast up such of the votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the number of such votes for each Candidate (a).

Article 22.—The Candidates, to the number of Guardians to be elected for the Parish, who being duly qualified, shall have obtained the greatest number of votes, shall be deemed to be elected Guardians for the Parish, and shall be certified as such by the Clerk under his hand.

Article 23.—The Clerk, when he shall have ascertained that any Candidate is duly elected as Guardian, shall notify the fact of his having been so elected, by delivering or sending, or causing to be delivered or sent, to him a notice in the Form (D.) hereunto annexed.

---

(a) See further in the General Order, dated January 14, 1867, *post*, as to the conduct of the Clerk at this scrutiny.

Article 24.—The Clerk shall make a list containing the names of the Candidates, together with (in case of a contest) the number of votes given for each, and the names of the elected Guardians, in the Form marked (E.) hereunto annexed, and shall sign and certify the same, and shall deliver such list, together with all the Nomination and Voting Papers which he shall have received, to the Guardians of the Union, at their next meeting, who shall preserve the same for a period of not less than two years (b).

Article 25.—The Clerk shall cause copies of such list to be printed, and shall deliver or send, or cause to be delivered or sent, one or more of such copies to the Overseers of each Parish.

Article 26.—The Overseers shall affix, or cause to be affixed, copies of such list, at the usual places for affixing in each Parish notices of parochial business.

Article 27.—In case of the decease, necessary absence, refusal, or disqualification to act, during the proceedings or the election, of the Clerk or any other person appointed or employed to act in respect of such election, the delivery of the nominations, voting papers or other documents to the successor of the Clerk or person so dying, absenting himself, refusing or disqualified to act, shall, notwithstanding the terms of any notice issued, be as valid and effectual as if they had been delivered to such Clerk or person.

\* \* \* \*

Article 202.—Duties of the Clerk.

No. 13. To conduct duly and impartially, and in strict conformity with the Regulations in force at the time, the annual or any other Election of Guardians.

\* \* \* \*

Article 215.—Duties of a Relieving Officer.

No. 15. To assist the Clerk in conducting and completing the annual or other Election of Guardians, according to the Regulations of the Commissioners.

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(b) See further as to the inspection of these papers in the same General Order, *post*.

## EXPLANATION OF TERMS.

Article 229.—Whenever the word Clerk is used in this Order, it shall be taken to mean the Clerk to the Guardians.

Article 232.—Whenever in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used in this Order, the same shall be taken to include, and shall be applied to, several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

Article 233.—Whenever in this Order any Article is referred to by its number, the Article of this Order bearing that number shall be taken to be signified thereby.

---

FORM A.—*Notice of Election of Guardians of the Poor (a).*

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FORM B.—*Nomination Paper.*

Parish of \_\_\_\_\_ } This \_\_\_\_\_ day of \_\_\_\_\_ 184—  
 \_\_\_\_\_ UNION. }

Names of Persons Nominated to be Guardians.	Residence of the Persons nominated.	Quality or Calling of Persons nominated.

I, being\* \_\_\_\_\_ duly qualified to vote in the Parish aforesaid nominate the above to be Guardian (or Guardians) for the said Parish.

\_\_\_\_\_ Signature } of Nominator.  
 \_\_\_\_\_ Address }

\* *Note.*—Only one person is empowered to sign this Paper, and after the word *being* he must insert (*a rate-payer*) or (*owner of property*) according to his qualification.

---

(a) See the notice prescribed by the General Order of January 14, 1867, *post*.

# *Election of Guardians.*

9

## FORM C.—*Voting Paper (a).*

## FORM D.—*Notice to Guardians Elected†.*

## FORM E.

—— UNION.

I do hereby certify, that the Election of Guardians of the Poor for the several Parishes in the —— Union was conducted in conformity with the Order of the Poor Law Commissioners, and that the Entries contained in the Schedule hereunder written are true.

Parishes (arranged alphabetically.)	Names of Persons nominated as Guardians.	Residence.	Quality or Calling.	No. of Votes given for each Candidate.	Names of the Guardians elected.	Names of the Guardians qualified to act in the Parishes where no Guardian has been elected

Given under my hand this —— day of ——.

—— Clerk to the Guardians of the Poor of the —— Union.

(a) See the voting paper prescribed by the General Order of January 14 1867, *post*.

† By a General Order issued on the 22nd day of March, 1852, the following notice was substituted for that set out in this order :

—— UNION.

Parish [*or Township*] of ——.

Sir,—I do hereby give you notice, and declare, that you have been duly elected a Guardian of the Poor for the Parish [*or Township*] of —— in the —— Union, and that the first meeting of the Board of Guardians of the said Union at which you will be lawfully entitled to attend and act as Guardian will be held at —— on —— day the —— [*add instant, or April next*], at the hour of ——.

Signed this —— day of ——.

—— Clerk to the Guardians of the Poor of the —— Union.  
To Mr. —— of ——.

## SCHEDULE

*Containing the Names of the Unions to which the  
annexed Order applies.*

Aberaeron.	Barnet.
Abergavenny.	*Barnstable.
Aberystwith.	Barrow-upon-Soar.
*Abingdon.	*BASFORD.
Albans, St.	*Basingstoke.
Alcester.	Bath.
Alderbury.	Battle.
*Alnwick.	Beaminster.
Alresford.	Bedale.
Alton.	*Bedford.
*Altrincham.	Bedminster.
Amersham.	*Belford.
Amesbury.	*Bellingham.
Amptill.	*Belper.
*Andover.	Berkhampstead.
*Anglesey.	Berwick-upon-Tweed.
Asaph, St.	*Beverley.
*Ashbourne.	*Bicester.
Ashby-de-la-Zouch.	Bideford.
Ashford, East.	Biggleswade.
Ashford, West.	Billericay.
Ashton under-Lyne.	*Billesdon.
Aston.	*Bingham.
*Atcham.	Bishop Stortford.
Atherstone.	Blaby.
*Auckland.	Blackburn.
Austell, St.	*Blandford.
*Axburgh.	Blean.
Axminster.	*Blofield.
*Aylesbury.	*Blything.
*Aylsham.	Bodmin.
	Bolton.
*Bakwell.	Bootle.
Bala.	*Bosmere and Claydon.
*Banbury.	Boston.
Bangor and Beaumaris.	*Boughton, Great.

---

\* \* \* In the Unions marked with an Asterisk, the remuneration to the Clerk under the Election Expenses Order (see hereafter), is not to exceed *fifteen pounds*. In all the other Unions it is not to exceed *ten pounds*.

- \*Bourn.
- Brackley.
- Bradfield
- Bradford (Wilts).
- Bradford (Yorks).
- Braintree.
- Brampton.
- \*Brecknock.
- Brentford.
- Bridge.
- \*Bridgend and Cowbridge.
- \*Bridgewater.
- Bridgnorth.
- \*Bridlington.
- Bridport.
- \*Brixworth.
- Bromley.
- Bromsgrove.
- \*Bromyard.
- Buckingham.
- \*Builth.
- Buntingford.
- Burnley.
- \*Burton-upon-Trent.
- Bury.
- \*Caistor.
- Calne.
- Cambridge.
- Camelford.
- \*Cardiff.
- Cardigan.
- Carlisle.
- Carmarthen.
- Carnarvon.
- \*Castle Ward.
- Catherington.
- Caxton and Arrington.
- Cerne.
- Chailey.
- Chapel-en-le-Frith.
- \*Chard.
- Cheadle.
- \*Chelmsford.
- Cheltenham.
- \*Chepstow.
- Chertsev.
- \*Chesterfield.
- Chester-le-Street.
- \*Chesterton.
- Chippingham.
- \*Chipping Norton.
- Chipping Sodbury.
- Chorley.
- Chorlton.
- Christchurch.
- Church Stretton.
- \*Cirencester.
- Cleobury Mortimer.
- Clifton.
- \*Clitheroe.
- Clun.
- Clutton.
- \*Cockermouth.
- Colchester.
- Columb, St. Major.
- \*Congleton.
- Conway.
- Cookham.
- Corwen.
- Cosford.
- Cranbrook.
- Crediton.
- Crickhowell.
- Cricklade and Wootton Bassett.
- Croydon.
- Cuckfield.
- \*Darlington.
- Dartford.
- Daventry.
- \*Depwade.
- Derby.
- Devizes.
- Dewsbury.
- \*Docking.
- Dolgelly.
- \*Doncaster.
- \*Dorchester.
- Dore.
- Dorking.
- Dover.
- \*Downham.
- Drayton.
- \*Driffield.

- |                    |                        |
|--------------------|------------------------|
| Droitwich.         | *Gloucester.           |
| Droxford.          | Godstone.              |
| Dudley.            | Goole.                 |
| Dulverton.         | *Grantham.             |
| Dunmow.            | Gravesend and Milton.  |
| Durham.            | Greenwich.             |
| Dursley.           | Guildford.             |
|                    | Guiltecross,           |
|                    | Guisborough.           |
| Easington.         |                        |
| Easingwold.        | Hackney.               |
| Eastbourne.        | Hailsham.              |
| East Grinstead.    | Halifax.               |
| Easthampstead.     | Halstead.              |
| *East Retford.     | Haltwhistle.           |
| Eastry.            | Hambledon.             |
| East Ward.         | Hardingstone.          |
| Ecclesall Bierlow. | *Hartismere.           |
| Edmonton.          | Hartley Wintney.       |
| Elham.             | Haslingden.            |
| Ellesmere.         | Hastings.              |
| Ely.               | Hatfield.              |
| Epping.            | Havant.                |
| Epsom.             | *Haverfordwest.        |
| *Erpingham.        | Hay.                   |
| Eton.              | Hayfield.              |
| Evesham.           | Headington.            |
|                    | *Helmsley Blackmoor.   |
| Faith, St.         | Helston.               |
| Falmouth.          | Hemel Hempstead.       |
| Fareham.           | Hendon.                |
| *Faringdon.        | Henley.                |
| Farnham.           | *Henstead,             |
| Faversham.         | *Hereford.             |
| Festiniog.         | Hertford.              |
| Foleshill.         | *Hexham.               |
| Fordingbridge.     | Highworth and Swindon. |
| *Freebridge Lynn.  | Hinckley.              |
| Frome.             | Hitchin.               |
| Fulham.            | Holbeach.              |
| Fylde.             | Holborn.               |
|                    | Hollingbourn.          |
| *Gainsborough.     | Holsworthy.            |
| Garstang.          | Holywell.              |
| Gateshead.         | Honiton.               |
| Germans, St.       | Hoo.                   |
| *Glanford, Brigg.  | *Horncastle.           |
| *Glendale.         |                        |



Glossop.	Llandoverly.
Horsham.	Llanelly.
Houghton-le-Spring.	Llanfyllin.
*Howden.	Llanrwst.
Hoxne.	*Loddon and Clavering.
*Huddersfield.	*London, City of.
Hungerford.	London, East.
*Huntingdon.	London, West.
Hursley.	Longton.
Ipswich.	Loughborough.
Ives, St.	*Louth.
Keighley.	*Ludlow.
*Kendal.	Luton.
Kettering.	*Lutterworth.
Keynsham.	Lymington.
Kidderminster.	*Macclesfield.
Kingsbridge.	Machynlleth.
Kingsclere.	Madeley.
King's Lynn.	Maidstone.
King's Norton.	*Maldon.
Kingston-upon-Thames.	Malling.
Kington.	Malmsbury.
Knighton.	*Malton.
Lampeter.	Manchester.
Lancaster.	Mansfield.
Lanchester.	Market Bosworth.
Langport.	*Market Harborough.
Launceston.	Marlborough.
Ledbury.	Martley.
Leek.	Medway.
Leicester.	Melksham.
Leigh.	*Melton Mowbray.
Leighton Buzzard.	Mere.
Leominster.	Meriden.
Lewis.	Merthyr Tydvil.
Lewisham.	Midhurst.
*Lexden and Winstree.	Mildenhall.
*Leyburn.	Milton.
Lichfield.	*Mitford and Launditch.
*Lincoln.	*Monmouth.
Linton.	*Morpeth
Liskeard.	*Nantwich.
Llandilo fawr.	*Narberth.
	Neath.
	Neot's, St.

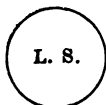
- \*Newark.
- Newbury.
- Newcastle-in-Emlyn.
- Newcastle-under-Lyne.
- Newcastle-upon-Tyne.
- Newent.
- New Forest.
- Newhaven.
- Newmarket.
- \*Newport (Monmouth).
- Newport (Salop).
- \*Newport Pagnell.
- \*Newton Abbot.
- Newtown and Llanidloes.
- \*Northallerton.
- Northampton.
- North Aylesford.
- Northleach.
- \*Northwich.
- North Witchford.
- Nuneaton.
  
- Oakham.
- Okehampton.
- Olave's, St.
- Ongar.
- Ormskirk.
- Orsett.
- \*Oundle.
  
- Pateley Bridge.
- Pattingham.
- Pembroke.
- Penkridge.
- \*Penrith.
- Penzance.
- \*Pershore.
- \*Peterborough.
- Petersfield.
- Petworth.
- Pewsey.
- Pickering.
- \*Plomesgate.
- Plympton, St. Mary.
- \*Pocklington.
- Pont-y-pool.
- Poole.
  
- Poplar.
- Portsea Island.
- Potterspury.
- Prescot.
- Presteigne.
- Preston.
- \*Pwllheli.
  
- Radford.
- Reading.
- Redruth.
- Reeth.
- Reigate.
- Rhayader.
- Richmond (Surrey).
- \*Richmond (Yorkshire).
- Ringwood.
- Risbridge.
- Rochdale.
- Rochford.
- Romford.
- Romney Marsh.
- Romsey.
- Ross.
- \*Rothbury.
- Rotherham.
- Royston.
- \*Rugby.
- \*Runcorn.
- Ruthin.
- Rye.
  
- \*Saffron Walden.
- Salford.
- Saviour's, St.
- \*Scarborough.
- Sculcoats.
- Sedbergh.
- Sedgefield.
- Seisdon.
- Selby.
- \*Settle.
- Sevenoaks.
- Shaftesbury.
- \*Shardlow.
- Sheffield.
- Sheppey.

- Shepton Mallett.  
Sherborne.  
Shiffnal.  
\*Shipston-upon-Stour.  
\*Skipton.  
\*Skirlaugh.  
\*Sleaford.  
Solihull.  
Southam.  
South Molton.  
South Shields.  
South Stoneham.  
\*Southwell.  
Spalding.  
\*Spilsby.  
Stafford.  
Staines.  
\*Stamford.  
Stepney.  
Steyning.  
Stockbridge.  
Stockport.  
\*Stockton.  
Stokesley.  
Stone.  
Stourbridge.  
\*Stow.  
Stow-on-the-Wold.  
Strand.  
\*Stratford-upon-Avon.  
Stratton.  
Stroud.  
Sturminster.  
\*Sudbury.  
Sunderland.  
\*Swaffham.  
Swansea.  
  
Tamworth.  
\*Taunton.  
Tavistock.  
\*Teesdale.  
Tenbury.  
\*Tendring.  
Tenterden.  
Tetbury.  
Tewkesbury.  
  
Thakeham.  
\*Thame.  
Thanet, Isle of.  
\*Thetford.  
\*Thingoe.  
\*Thirsk.  
\*Thomas, St.  
Thornbury.  
Thorne.  
Thrapston.  
Ticehurst.  
Tisbury.  
Tiverton.  
Todmorden.  
Tonbridge.  
Torrington.  
Totnes.  
Towcester.  
Tregaron.  
Truro.  
Tynemouth.  
  
Uckfield.  
Ulverstone.  
\*Uppingham.  
Upton-upon-Severn.  
Uttoxeter.  
Uxbridge.  
  
Wakefield.  
Wallingford.  
Walsal.  
\*Walsingham.  
Wandsworth and Clapham.  
Wangford.  
\*Wantage.  
Ware.  
Wareham and Purbeck.  
Warminster.  
Warrington.  
\*Warwick.  
Watford.  
Wayland.  
Weardale.  
Wellingborough.  
Wellington (Salop).  
Wellington (Somerset).

Wells.	Wimborne and Cranborn.
Welwyn.	*Wincanton.
Wem.	Winchcombe.
Weobly.	*Winchester, New.
Westbourne.	Windsor.
West Bromwich.	Winslow.
Westbury-upon-Severn.	*Wirrall.
Westbury and Whorwels-	Wisbeach.
down.	Witham.
West Derby.	*Witney.
West Firle.	Woburn.
West Ham.	Wokingham.
*West Hampnett.	Wolstanton and Burslem.
West Ward.	Wolverhampton.
Weymouth.	*Woodbridge.
Wheatenhurst.	*Woodstock.
Whitby.	Worcester.
Whitechurch.	Worksop.
Whitechapel.	Wortley.
Whitehaven.	*Wrexham.
Wigan.	*Wycombe.
*Wigton.	
*Williton.	*Yeovil.
Wilton.	*York.

Given under our Hands and Seal of office, this Twenty-fourth day of July, in the year One thousand eight hundred and forty-seven.

(Signed)



GEO. NICHOLLS,  
GEORGE CORNEWALL LEWIS.  
EDMUND W. HEAD.

A copy of this Order was sent by the Commissioners, on the 24th July, 1847, to the Secretary of State for the Home Department. The Unions subsequently formed, to which orders containing similar provisions have been issued are set out in the Third Schedule to the General Order of Jan. 14, 1867, *post*.

By another General Order, issued by the Poor Law Commissioners on the 8th December, 1847, the same regulations as above were prescribed for the election of Guardians in Parishes for which separate Boards of Guardians had been previously appointed, being those undermentioned, namely—

Alston-with Garrigill.

East Stonehouse.

St. George-in-the-East.

St. George the Martyr, Southwark.

St. Giles, Camberwell.

St. Luke, Chelsea.

S. Martin-in-the-Fields.

St. Mary Abbots. Kensington.

St. Mary Magdalen, Bermondsey.

St. Mary, Rotherhithe.

St. Matthew, Bethnal Green.

Paddington.

Whittlesea. St. Mary and St. Andrew.

Great Yarmouth.

That General Order did not apply so far as regards the Election of Guardians to the Parishes of St. Mary, Lambeth, and Stoke-upon-Trent, and the Township of Leeds, but the provisions relative to the elections therein are contained in special orders, and are much the same, though those places have been divided into wards. The Parishes and Townships to which similar orders have been since separately issued are shown in the General Order of January, 1867, *post*.

The General Election Order of 1845, was accompanied by the following letter :—

POOR LAW COMMISSION OFFICE,

SOMERSET HOUSE,

16th January, 1845.

SIR,—I am directed by the Poor Law Commissioners to transmit to you a copy of a General Order which they have issued to regulate the Election of Guardians in Parishes now in Union.

The Statute of the last Session of Parliament has introduced some alterations in regard to this matter, the most important of which affect the scale of Voting, and those alterations have rendered it necessary for the Commissioners to modify some parts of the Orders hitherto in force which regulate the mode and manner of Elections of Guardians.

They have, therefore, deemed it advisable to rescind all those Orders, and to issue the present as a General Order containing the few alterations which appear to them to be requisite.

The plan which the Commissioners established several years back for the conduct of these elections, having worked with success, and having in a satisfactory manner effected the Election of the Guardians in the great number of Parishes now combined in Unions, has not been departed from in the present Order, and it will be seen, therefore, that it contains little more than verbal alterations, and some few changes in the details.

The Commissioners have, however, thought it expedient to alter the dates on which the several proceedings are to take place, and thus to avail themselves of the provision contained in the seventeenth section of the 7 & 8 Vict. c. 101, which continues the Guardians in office for forty days after the 25th of March, if a new election do not previously take place.

The Commissioners have not set out in this Order any Forms for the Statement of Owners of Property, for the Appointment of Proxies, the Statements of Proxies, and the Register of those Statements and Appointments, which in the Orders now rescinded appeared as Forms A. B. C. and D. At the same time, as the Commissioners believe that it will be convenient if some Forms be suggested for general use, they have reconsidered those formerly prepared with reference to the alterations made by the late Statute, and think that Forms to the following effect might be safely used in place of the first three of those Forms.

#### A.—OWNER'S STATEMENT.

To the Churchwardens and Overseers of the Poor of the  
*Parish* of ———, in the County of ———,  
This ——— day of ———, 184 .

I, the undersigned, claim to be entitled to vote, according to the provisions of the statutes of the fifth year of the reign of King William the Fourth and the eighth year of the reign of Her present Majesty, relating to the Administration of the Laws for the Relief of the Poor (4 & 5 Will. 4, c. 76, and 7 & 8 Vict. c. 101), as Owner of the Pro-

perty hereinafter described, which is situated in the *Parish* of ———, that is to say,\*

I do also state that the interest or estate which I have in such property, and the amount of all the rent-service which I receive or pay in respect thereof, and the names of the persons from whom I receive or to whom I pay such rent-service, are set forth in the Form hereunder written.

Description of Property. (1)	In respect of which I have an Estate or Interest of (2)	And in respect of which I receive in rent-service the sum of (3)			From (4)	And in respect of which I pay in rent-service the sum of (5)			To (6)
		£	s.	d.		£	s.	d.	

Signature of Claimant ———

Address of Claimant ———

(1) Describe the Property by its Name, Situation, or the Name of the Occupier, or any other designation by which it may be identified.

(2) Describe the Estate or Interest, as an *estate in fee simple*, a *freehold*, a *term of — years*, and also whether it is held by the Claimant solely, or jointly with others.

(3) If the Property is let by the Owner, insert the amount of rent received from each tenant.

(4) Insert Name of Tenant or Tenants.

(5) If the Owner is a Lessee paying rent, insert the amount of all the rent he pays.

(6) Insert the Name of the Lessor.

## B.—APPOINTMENT OF PROXY.

To the Churchwardens and Overseers of the Poor of the *Parish* of ———, in the County of ———.

This ——— day of ———, 184 —.

I, the undersigned, being Owner of the Property hereinafter described, which is situated in the *Parish* of ———, do hereby appoint ———, of ———, to vote as my Proxy in all cases wherein he may lawfully do so, under the pro-

\* Here insert a clear statement of the Property, as House, Building, House and ———— Acres of Land.

visions of the Statutes of the fifth year of the reign of His late Majesty King William the Fourth, and the eighth year of the reign of Her present Majesty, relating to the Administration of the Laws for the Relief of the Poor. And I do hereby state that the Description of the said Property is as follows; viz.,<sup>1</sup>

——— Signature of Owner.

——— Address of Owner.

<sup>1</sup> Describes the Property by its Name, Situation, or the Name of the Occupier, or any other designation by which it may be identified. It is not necessary here to set out the description of the estate or interest of the Owner, nor the statement of the amount of rent received or paid by him.

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### C.—PROXY'S STATEMENT.

To the Churchwardens and Overseers of the Poor of the  
Parish of ———, in the County of ———.

This ——— day of ———, 184 .

I, the undersigned, having been appointed by ——— of ———, Owner of the property hereinafter described, which is situated in the Parish of ———, to vote as his Proxy, under the Provisions of the Statutes of the fifth year of the reign of His late Majesty King William the Fourth, and of the eighth year of the reign of Her present Majesty, relating to the Administration of the Laws for the Relief of the Poor, do hereby give you Notice, that I am entitled to vote as such Proxy. I herewith transmit to you\* ——— the writing under the hand of the said ——— appointing me such Proxy.

The following is a Description of the Property in respect of which the said ——— is entitled to vote as Owner, and

---

\* If the appointment itself be not sent, insert the words *an attested copy of*.



in respect of which I am entitled to vote as his Proxy ;  
viz.<sup>2</sup>

——— Signature of Proxy.

——— Address of Proxy.

<sup>2</sup> Describe the Property by its Name, Situation, or the Name of the Occupier, or any other Designation by which it may be identified. It is not necessary here to set out the description of the estate or interest of the Owner, nor the statement of the amount of rent received or paid by him.

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I am to observe that the adoption of these Forms is by no means compulsory upon any Owner or Proxy, and consequently any Forms which may contain in substance the information herein set forth, which appears to be what is required by the Statutes, will be fully available for the purposes of the Election.

The Form of Register of Owners and Proxies is directed by the General Order as to the duties of Overseers, bearing date the 22nd of April, 1842, and addressed to the Overseers of all Parishes now in Union ; and such Order being still in force, it is not necessary to set out the Form in this place.

The Commissioners believe that the general provisions of the former law respecting the Election of Guardians are now well known, and they have in their memorandum of the 31st ult., which has been very widely circulated, pointed out the new provisions relative to the claims of Owners ; while in the Form of the Notice of Election, contained in the Order, of which the Copy is herewith forwarded, they have set forth at full\* the new scale of votes for Owners and Rate-payers.

It does not, therefore, appear to them to be necessary to make any further remarks on this subject in the present circular.

I am, Sir,

Your obedient Servant,

EDWIN CHADWICK,

*Secretary.*

To

*The Clerk to the Guardians.*

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\* This has been omitted in the notice subsequently prescribed.

By a General Order, dated January 14, 1867, addressed to all the Unions mentioned in the page above, and to certain other persons named in a third Schedule annexed to it, and set out hereafter, the Poor Law Board, reciting these several Orders, and that it was expedient that certain alterations should be made in the Rules and Regulations as to the mode of conducting the Election of Guardians in such Unions, ordered as follows :—

Article 1.—So much of the several Orders as provides for the Notice of Election and the form of the Voting Paper shall be rescinded, and the Notice shall be according to the form set forth in the First Schedule hereunto annexed, or to the like effect.

Article 2.—The form of Voting Paper to be used hereafter shall be according to the form in the said Schedule set forth.

Article 3.—No Nomination Paper delivered, except through the post, to the Clerk or to any person appointed to receive the same, or at the office, address, or residence of such Clerk or other person, before the hour of Nine o'clock in the morning, or after the hour of Eight o'clock in the evening, shall be valid.

Article 4.—As soon as practicable after the receipt of the Nomination Papers the Clerk shall make out two lists, containing the names and residence of the persons nominated for the several Parishes in the Union, and shall cause one list to be suspended in the Board Room of the Guardians, and the other to be affixed to the principal external door of the Workhouse of the Union, if any, and where there are several Workhouses in the Union, of that which contains the Board Room or is situated nearest to it.

Article 5.—If a greater number of Candidates be nominated for any Parish than the number of Guardians required to be elected for it, the Clerk shall, as soon as practicable, make out a list in writing of the Candidates, and the names and addresses of the several Nominators of them, and keep such list open in the Board Room of the Guardians until the close of the Election; and every person entitled to vote at the Election for such Parish may apply at such room

during any day after the list shall have been made out, except when the Board of Guardians are holding their meeting therein, between the hours stated in Article 3, for an inspection of such list, and may copy the same or any part thereof.

Article 6.—If any person nominated or any person on his behalf, give at least one clear day's notice in writing, to the Clerk before the delivery or collection of the Voting Papers, of an intention to send some Agent to accompany each or any Deliverer or Collector of the Voting Papers, the Clerk shall make suitable arrangements to enable such Agent to accompany each person appointed to deliver or collect the Papers accordingly.

Article 7.—The Guardians shall provide, for the use of every person appointed to collect the Voting Papers, a box or bag having a small opening for the reception of the papers, which shall be delivered by the Clerk to such person locked, and such person shall deposit every Voting Paper received by him, or allow the Voter to deposit his own Paper, in the box or bag through the opening, and shall deliver the box or bag to the Clerk on the day of collecting the Papers, and the clerk shall open the same at the casting up of the Votes, and not before.

Article 8.—The Clerk shall allow each Candidate, or some person on his behalf, to be present at the casting up of the votes, and shall declare at the close of such casting up the number of votes allowed by him to every Candidate, and shall, if he reject any Voting Paper, mark thereon the act of its rejection, and declare the ground of such rejection, if required to do so by any person whose Voting Paper shall be rejected.

Article 9.—The Nomination and Voting Papers when delivered by the Clerk to the Board of Guardians, shall be open to the inspection of any person who may have nominated a Candidate or of any Candidate at the election for which there was a contest, or to any person appointed in writing on behalf of such Nominator or Candidate, during the hours of Ten o'clock in the forenoon and Six o'clock in the afternoon on any day except Sunday during the six

calendar months next ensuing the First Meeting of the Board of Guardians after the annual election.

### EXPLANATION OF TERMS.

Article 10.—Whenever in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used in this Order, the same shall be taken to include, and shall be applied to, several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

Article 11.—The term “Clerk” shall signify the Clerk or person acting as such in the conduct of the Election; and the term “Parish” shall include Wards in those Unions where Parishes have been divided into Wards for the Election of Guardians.

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### FIRST SCHEDULE.

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#### FORM (A.)

#### NOTICE OF ELECTION.

*Election of Guardians of the Poor for the year 186 .*

——— UNION.

I, the undersigned, Clerk to the Guardians of the Poor of the above-named Union, with reference to the ensuing Election of Guardians of the Poor for the several Parishes in the said Union, do hereby give notice as follows,—

1.—The number of Guardians of the Poor to be elected for the Parishes in the said Union is as follows :—

For the Parish of	Guardians.
For the Parish of	Guardians.
For the Parish of	Guardians.

2.—Any person, not otherwise disqualified by law, who shall be rated to the poor rate in any Parish in the Union

in respect of hereditaments of the annual rental of not less than — Pounds, is qualified to be nominated for the office of Guardian at the said Election by any person then qualified to vote.

3.—Nominations of Guardians must be made according to the form below, which is the form prescribed by the Poor Law Board. Such nominations must be sent, on or before the — day of *March*, to me — or to Mr. — at — for the Parish of —, or to Mr. — at — for the Parish of —, who alone are authorized to receive the same. Nominations sent after that day, or sent to any other person, will be invalid; and so also if they be delivered at the address, office, or residence of the Clerk or other persons above-named, before the hour of nine o'clock in the morning or after the hour of eight o'clock in the evening, unless sent through the post.

4.—On the — day of — I shall cause a list of the names of the persons nominated as Candidates for the several Parishes to be suspended in the Board Room of the Guardians, and to be affixed to the principal door of the Workhouse at —.

5.—If more than the above-mentioned number of Guardians be nominated for any Parish, I shall cause a list of the names and addresses of the Nominators of the Candidates to be made out, and to be kept in the Board Room of the Union, which list will be open to the inspection of every person qualified to vote on any day when the Board of Guardians are not holding their Meeting, between the hours mentioned above; I shall also cause Voting Papers to be delivered on the — day of —, at the address in such Parish of each Rate-payer, Owner, and Proxy qualified to vote; and on the — day of — I shall cause such Voting Papers to be collected.

6.—On the — day of — I shall attend at the Board Room of this Union at the hour of —, and I shall on that day, and, if necessary, the following days, proceed to ascertain the number of votes given for each Candidate.

7.—If any Voter do not receive a Voting Paper he may apply to me before the — day of April for one; and if any Voting Paper be not collected through the default of

the Collector, the Voter in person may deliver it to me before noon on the — day of April.

8.—Any person put in nomination for the office of Guardian may, at any time during the proceedings in the Election, tender to me in writing his refusal to serve the office, and the Election, so far as regards that person, will be no further proceeded with.

*Form of Nomination Paper.*

Parish of ———.

——— UNION. This — day of ——— 186

Names of Persons nominated to be Guardians.	Residence of the Persons nominated.	Quality or Calling of Persons nominated.

I, being\* ——— duly qualified to vote in the Parish aforesaid, nominate the above to be Guardian [*or* Guardians] for the said Parish.

————— Signature } of Nominator.  
————— Address }

\**Note*—Only one person is empowered to sign this paper, and after the word *being* he must insert (*a rate-payer*) or (*owner of property*), according to his qualification. One of these words only must be used.

Given under my hand this — day of ——— 186 .  
————— Clerk to the said Guardians.

**WARNING.**—It is enacted by the Statute 14 & 15 Vict. c. 105, s. 3. that—"If any Person, pending or after the Election of any Guardian or Guardians, shall wilfully, fraudulently, and with intent to affect the result of such Election, commit any of the Acts following; that is to say, fabricate in whole or in part, alter, deface, destroy, abstract, or purloin any nomination or Voting Paper used therein; or personate any Person entitled to vote at such Election; or falsely assume to act in the Name or on the behalf of any person so entitled to vote; or interrupt the distribution or collection of the Voting Papers; or distribute or collect the same under a false pretence of being lawfully authorized to do so," he will be liable to be sent to prison for three months with hard labour.

FORM (B.)—*Voting Paper for the Election of Guardians  
for the year 186 .*

—— UNION.

Voting Paper for the Parish of ——.

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner	As Ratepayer.

*Directions to the Voters.*

The Voter is entitled to vote for —— Guardian [or Guardians], and no more.

The Voter, if able to write, must himself write his initials against the name of every person for whom he votes, and must himself sign this Paper. The name of a Firm or Partnership will be of no avail. The signature by a wife for her husband, whether in his name or her own, will be useless.

If the Voter cannot write, he must affix his mark, but such mark must be attested, and the name of the Voter filled in by a witness, and such witness must write the initials of the Voter against the name of every person for whom the Voter intends to vote.

If a Proxy vote, he must in like manner write his own initials, sign his own name, and state in writing the name of the person for whom he is Proxy ; thus—*John Smith* for *Richard Williams*.

This Paper must be carefully preserved by the Voter, as no second Paper will be given. When it is filled up, it must be kept ready for delivery to Mr. ——, who will call for the Voting Paper on the —— day of ——, between the hours of —— before noon, and of —— after noon. No other person is authorized to receive the Voting Paper. The Voter may deliver the Paper open or

sealed up in an envelope, and may himself deposit it in the box or bag used for the Collection.

If the Voting Paper be not ready for the person appointed to collect it when called for, the vote will be lost. It will also be lost if more than — name be returned in the List, with the initials of the Voter placed against such name, or if the Voting Paper be not signed by the Voter, or if the mark of the Voter be not attested when attestation is required.

Initials of the Voter against the Name of the Person for whom the Vote is intended to be given.	Names of the Persons nominated as Guardians.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Opinion of the Clerk as to the disqualification.

I vote for the persons in the above list against whose names the initials are placed as above.

(Place for Signature of the Voter) ———.

(Place for the mark if the Voter cannot write) ———.

Name of the Voter who cannot write ———.

Witness to the mark ———.

Address of the Witness ———.

Place for Signature where the Voter votes by Proxy ——— for ———.

**WARNING.**—It is enacted by the Statute 14 & 15 Vict. c. 105, s. 3, that—"If any Person, pending or after the Election of any Guardian or Guardians, shall wilfully, fraudulently, and with intent to affect the result of such Election, commit any of the Acts following; that is to say, fabricate in whole or in part, alter, deface, destroy, abstract, or purloin any Nomination or Voting Paper used therein;



or personate any Person entitled to vote at such Election; or falsely assume to act in the Name or on the behalf of any Person so entitled to vote; or interrupt the distribution or collection of the Voting Papers; or distribute or collect the same under a false pretence of being lawfully authorized to do so," he will be liable to be sent to prison, for three months with hard labour.

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**SECOND SCHEDULE.**

List of Unions, being the same as in the order of July, 1847  
above printed.

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**THIRD SCHEDULE.**

List of New Unions.

Barnsley.	Oldham.
Barton-upon-Irwell.	
Bedwellty.	Penistone.
Birkenhead.	Pontefract.
Bramley.	Pontypridd.
	Prestwich.
Gower.	
Great Ouseburn.	Ripon.
Hartlepool.	
Hawarden.	Samford.
Hemsworth.	
Holyhead.	Tadcaster.
Kirkby Moorside.	Wetherby.
Knaresborough.	Wharfedale.
	Whitchurch (Salop).
North Bierley.	Wight, Isle of.

Given under our Hands and Seal of Office, this Fourteenth day of January, in the year One thousand eight hundred and sixty-seven.

**GATHORNE HARDY, *President.***

**S. H. WALPOLE.**

**B. DISRAELI.**

**R. E. EARLE, *Secretary.***

This General Order was accompanied with the following circular letter :—

POOR LAW BOARD,

Whitehall, London, S.W.,

*22d January 1867.*

SIR,—The Poor Law Board have deemed it advisable to make various alterations in the rules which have been hitherto laid down for regulating the election of Guardians in Unions formed under the Poor Law Amendment Act of 1834. They have accordingly issued a General Order upon this subject, and have directed me to forward the enclosed copy for the Guardians of your Union.

As some of the alterations require to be mentioned in the notice of the election, the Board have withdrawn that heretofore in use, and have recommended another, which they have set out in a schedule. They have also prescribed a new Form of Voting Paper, in which they have removed certain difficulties which attended its execution, arising out of the mode in which the places for the signature were set out. The Board have also withdrawn from this paper the names of the nominators, having made another provision for them which they will detail hereafter.

The new regulations which the Board have prescribed are as follows :—They have fixed the hours within which the nomination papers may be delivered to the clerk or other person appointed to receive them. Heretofore contests, resulting sometimes in very indecorous conduct, even at late hours of the night, have taken place, to secure an early delivery of these papers to the clerk, and it has appeared advisable to prevent those proceedings in future, by limiting the hours within which the nomination paper is to be delivered, namely, between nine o'clock in the morning and eight o'clock in the evening. The delivery through the post will remain as before.

Complaints have been made that no publication took place of nominations until the voting papers were sent out, and consequently persons were often nominated as candidates who did not wish to serve; and a large number of candi-

dates were often unnecessarily submitted to the contest, because the fact of their having been nominated was not generally known. Attempts have been made by some Boards of Guardians to remedy this, but not being authorized by the order of the Commissioners they have failed.

The Board have now provided that as soon as practicable after the nominations have been received, the clerk shall make two lists of the names and residence of the persons nominated for all the Parishes in the Union, and cause one list to be suspended in the Board Room, and the other to be affixed on the outer door of the Workhouse.

If there be more candidates than the number of Guardians to be elected, the clerk is further required to make out a list of the candidates, and of the names and addresses of the several nominators of them, which list is to be kept open in the Board Room until the close of the election for the inspection of the persons entitled to vote.

The Board also having regard to the enactment contained in the Local Government Act, 1858, Section 24, have required that provision should be made to enable the deliverer and collector of the voting papers to be accompanied by an agent of each party interested in the election.

The Board are aware of the accidents and the malpractices which sometimes attend the collection of the Voting Papers, and with the view of preventing them as far as practicable they have required that the collector of the papers shall be supplied with a locked box or bag in which the papers may be received, and which he shall return to the clerk to be opened at the casting up of the votes, but not before.

Some complaints have also been urged as to the mode in which the casting up of the votes takes place, but though many inquiries have been held as to the validity of elections by the Board, the occasions have been very rare in which they have had ground for imputing any wilful misconduct or partiality to the clerk in the discharge of his duty as Returning Officer; nevertheless the Board have thought it expedient to make some more definite regulation in reference to this part of the election.

They have therefore provided that the clerk shall allow each candidate, or some person on his behalf, to be present at the casting up of the votes, and shall declare the number of votes allowed by him to every candidate.

He is also required to mark every paper which he rejects, and to declare the ground of his rejection if required by the voter to do so.

The Board trust that the improvements in the form of the voting paper will prevent many of the accidents which have rendered voting papers delivered to the clerk invalid. At the same time the knowledge of the ground for the rejection will render the person whose paper is rejected less likely to be dissatisfied than has been the case under the present course of proceeding, where the clerk may have rejected the papers upon very sufficient grounds, but without expressing them.

These provisions are not intended to give either to the candidates or to the voters any right to interrupt or disturb the clerk in the discharge of his duty. He will not be compelled to allow any discussion before him upon the voting papers, nor his course to be delayed by the interposition of any person or documents not called for by himself.

Lastly, the Board have provided for the inspection of the papers. In the previous orders it was directed that after the casting up of the votes the clerk should deliver the nomination and voting papers which he should have received, to the Board of Guardians, to be kept by them for two years. No person, however, had an absolute right to an inspection of these papers. The Board of Guardians might allow or refuse the inspection to any person who applied to them; and though the Board believe that such applications, when made, have been generally acceded to, they must admit that cases have occurred where the inspection has been refused.

They have therefore deemed it right to provide that these papers when delivered to the Guardians by the clerk shall be open to the inspection of any nominator or candidate, or to any person appointed in writing on his behalf,

during the six months next ensuing the first meeting of the new Board of Guardians.

The Guardians will, no doubt, give proper directions as to the custody of these papers, so that they may be protected from loss or injury during the inspection.

The Board trust that these regulations will prove satisfactory to the Guardians and the Ratepayers in general and effect an improvement in the conduct of the elections under the mode prescribed by the Poor Law Amendment Act.

I am, Sir,

Your obedient Servant,

W. G. LUMLEY,

*Assistant Secretary.*

A similar General Order was issued on the 1st day of February, 1867, to the following Parishes, Townships, and Places in which there are Boards of Guardians elected under the provisions of the Statute 4 & 5 Will. 4, c. 76:—

Alston-with Garrigill.	St. Giles, Camberwell.
East Stonehouse.	St. Luke, Chelsea.
Great Yarmouth.	St. Martin-in-the-Fields.
Hampstead, St. John.	St. Mary Abbots, Kensington.
Holbeck.	St. Mary, Lambeth.
Hunslet.	St. Mary Magdalen, Bermondsey.
Leeds.	St. Mary, Rotherhithe.
Manchester.	St. Matthew, Bethnal Green.
Mile End Old Town.	Stoke-upon-Trent.
Paddington.	Toxteth Park.
Saddleworth.	Whittlesea, St. Mary and St.
Shoreditch, St. Leonard's.	Andrew.
St. George-in-the-East.	
St. George the Martyr, Southwark.	



THE MANUAL  
OF  
POOR LAW ELECTIONS.

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INTRODUCTION.

The Poor Law Amendment Act, 4 & 5 Will. 4, c. 76, s. 40, provided for the election of Guardians to represent parishes in Unions formed by the Poor Law Commissioners, or in which a Board of Guardians was established under their order. It enacted, that owners of property should vote in that election in person or by proxy, and it established a certain scale of votes for owners. It also provided that ratepayers should vote in the election, with a different scale of votes.

These scales have been altered by the statute 7 & 8 Vict. c. 101, passed in 1844, and both owners and ratepayers were thereby placed upon an equality in this respect.

The former Act referred to the provisions contained in the Vestries Acts, (the 58 G. 3, c. 69, and 59 G. 3, c. 85,) which established the scale of voting by inhabitants according to their assessments, but this was altogether relinquished in the later statute.

These alterations, as they mentioned in their letter, rendered it necessary for the Commissioners to revise their election order and to issue it again to the several Unions and Parishes in which Boards of Guardians have been formed under the Poor Law Amendment Act, and they

accordingly issued the General Orders for regulating the election of Guardians in Unions and Parishes under Boards of Guardians ; the provisions whereof were afterwards embodied in the General Consolidated Orders issued on July 27, and December 8, 1847. The orders by which Unions have been since declared, or by which parishes have been placed under Boards of Guardians contain similar provisions.

Those orders derive their validity from the provision in the 4 & 5 Will. 4, c. 76, s. 40, which enacts that in all cases of election of Guardians under that Act, the votes of the owners and ratepayers in any parish or Union, shall be given or taken in writing, collected and returned in such manner as the said Commissioners shall direct. Accordingly, on the formation of Unions and Boards of Guardians, the Commissioners directed the Overseers of Parishes to conduct the election, or in cases of much importance, to appoint some person with certain qualifications, to be the returning Officer. Their authority to do so was established by the decision of the Court of Queen's Bench. But when these Unions and Boards of Guardians had been formed, the incapacity of the Overseers for the performance of this duty became manifest, and the Commissioners, after several years of trial, changed the scheme, and directed the Clerk of the Guardians to take upon himself the conduct of the election, and to act as the Returning Officer. It is hardly necessary to state that this change has been productive of great benefit.

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Now, the subject proposed to be discussed embraces the following divisions:—

I. The Qualification of Voters.

Herein.—

1. Of Owners.

(a) Of Proxies.

(b) Of the Registry.

(c) Of the Revision of the Register of Owners.

2. Of Ratepayers.

II. Of the Scale of Voting.



- III. The Qualification of Candidates.
- IV. The Mode of Election.
- V. The Returning Officer, and his Remuneration.
- VI. The Decision of disputed Elections.
- VII. Of the Consequences of Non-election.
- VIII. Of Malpractices at Elections.
- IX. The Resignation of Guardians.

It will be convenient to treat of the subject in the above order.

#### I. OF THE QUALIFICATION OF VOTERS.

As already noticed, the voters are of two classes,—*owners* and *ratepayers*.

##### 1.—Of Owners.

Owners are not specifically defined in general, but in the 109th sect. of the Poor Law Amendment Act, it is declared that the word "*owner*" shall be construed to *include* any person for the time being in the actual occupation of any property rateable to the relief of the poor, and not let to him at *rack rent*, or any person receiving the *rack rent* of any such property either on his own account or as *mortgagee*, or other incumbrancer in possession."

And the words "*rack rent*" shall be construed to mean any rent which shall not be less than *two-thirds* of the full improved net annual value of any property."

It seems clear that this section does not give an exhaustive definition of the word *owner*, but only describes certain persons who shall be included in the word, leaving it in other cases therefore to be construed according to its proper meaning independently of this interpretation.

Hence it appears, that persons possessing the beneficial interest in property, such as tenants for life in settled estates, and not those having the bare legal interest in it, *are* owners; while trustees under such settlements, or for children or married women, for sale, for the benefit of creditors, or for public or charitable purposes, *are not* owners.

7 *Off. Cir.* 87. Neither are mortgagees not in possession, as although they have the legal estate, they have not in fact the real beneficial interest in the property.

Executors and administrators holding terms of years as part of the testator's or intestate's estate, for the purpose of sale or distribution, are not owners; 7 *Off. Cir.* 87, but if they hold them for their own personal interest, receiving the rents or occupying the property, but not accounting for such rents or profits, they will be qualified as such. 4 *Off. Cir.* 59.

An opinion has been expressed by the Commissioners that the interpretation clause contains a complete *definition* of the word, and therefore points out the persons who are to be considered as the only persons entitled as owners; and consequently, that only those who derive the amount of rackrent specified, are to be considered as owners. See *Unions Year Book* for 1839, p. 16.

With this opinion the author does not agree, and he doubts whether it is now entertained by the Poor Law Board.

The term appears to signify every person who is entitled to call the property his own. This would perhaps properly have included only the person entitled to the fee simple or freehold; but the term is extended to the persons having the beneficial interests referred to in the interpretation clause. There is nothing, however, in the language to show that the person entitled to the fee simple or freehold is excluded, although he may derive but a small rent or profit from the property.

Persons actually occupying property for which they pay small ground rents, or for which they have paid fines, premiums, or foregifts, are qualified as owners; but if they have not a freehold interest, and do not actually occupy it, nor receive the *rack-rent* of it as defined above, they are not so qualified.

In regard to *corporate* property, the 4 & 5 Will. 4, c. 76, s. 40, provides, that "in cases of property belonging to any *corporation aggregate*, or to any *joint stock* or *other company*, no member of such corporation, or proprietor of or interested in such joint stock or other company, shall be

entitled to vote as such *owner* in respect thereof; but any *officer* of such corporation, joint stock or other company, whose name shall be entered by the direction of the *governing body* of such corporation or company, in the books of the parish in the manner thereinbefore directed, (see *post*, p. 42,) shall be entitled to vote in respect of such property in the same manner as if he were the owner thereof."

The deed, charter, or other act of foundation, must determine who is the *governing body*; and that body may make their claim and appointment in any manner apparently in which they may give any authoritative direction, or exercise any other act of ownership. 4 *Off. Cir.* 59.

The owner must be the owner of *rateable* property. This, though not clearly expressed, is necessarily to be inferred from the language of the 40th section of the 4 & 5 Will. 4, c. 76, as it is requisite that the number of the votes should be ascertained from the aggregate amount of the *assessment* for the time being of the property belonging to the owner.

Again, the 7 & 8 Vict. c. 101, s. 14, gives the scale of voting to owners and ratepayers, if the property be *rated* upon a *rateable* value as therein set forth.

It would therefore seem, that if the property be not *rated*, the owner is not qualified to vote. In the 2 *Off. Cir.* p. 230, a different opinion is expressed, but it was before the last cited statute.

At the same time it is not necessary, in respect of the owner, that the assessment or rates should have been *paid*, either by himself or any other person. 1 *Unions Y. B.* 1839, p. 14.

As to owners in parishes divided into wards, see p. 62, *post*.

#### (a) Of Proxies.

The *owner* of property may vote either by himself or by *proxy*; and the Legislature has made certain provisions in regard to the proxy, though by the Poor Law Amendment

Act, 4 & 5 Will. 4, c. 76, s. 40, no restriction was imposed upon the person to be appointed proxy.

The proxy need not have any qualification of his own; he need not be the *owner* of property, nor *rated*. 3 *Off. Cir.* 105. The Commissioners gave their opinion, that an uncertificated bankrupt may be a proxy; 4 *Off. Cir.* 56; whether an infant can be appointed as proxy is a matter of doubt, though the better opinion is in the negative.

It must be observed, that, as no power is given to the *ratepayer* to appoint a proxy, an owner who may also be an occupier, cannot appoint a person to vote for him as owner and as occupier. 2 *Off. Cir.* 230; 3 *Off. Cir.* 103.

The Poor Law Amendment Act, s. 40, enables "the owner from time to time, by writing under his hand, to appoint *any person* to vote as his proxy."

The appointment must therefore be *in writing*, and the Poor Law Commissioners have recommended a form, in which this appointment should be made. The form is now contained in their Instructional Letter of January 16, 1845, above, p. 19.

It is an *instrument made in pursuance of that Act*, and therefore is exempt from *stamp duty* by the provisions of the 4 & 5 Will. 4, c. 76, s. 86. 4 *Off. Cir.* p. 56.

Generally the appointment of an attorney is by a *deed*, and a *proxy* is but another name for an attorney; but the statute only required a writing under the *hand* of the owner.

That statute also required that, previous to the day of voting, a statement in writing of the name and address of the proxy, and the description of the property in the parish as proxy for the owner whereof he claims to vote, and the original or an attested copy of his writing, appointing him such proxy, shall have been given to the Overseers of such Parish.

This is not altered by the statute 7 & 8 Vict. c. 101, except that the appointment of the proxy must be sent in fourteen days before he can act.

The proxy is to represent the owner in voting, and cannot therefore be appointed for a moiety or part of the pro-

party, while the owner retains his vote in respect of the residue; otherwise two persons would be voting for the same property. Such was the opinion of the Commissioners. But the two rights may be severed, and the proxy may vote as owner, while the principal votes as ratepayer in respect of the same property. 4 *Off. Cir.* 73. This seems, however, to be open to much question.

The principal must be competent to vote, or he cannot appoint a proxy, as it is clear that he cannot give to another a right which he does not possess himself.

Hence a married woman, and probably an infant, cannot appoint a proxy.

So long as the party retained his property, the proxy might under the 4 & 5 Will. 4, c. 76, s. 40, continue to vote and act for such party, until the appointment was expressly or impliedly revoked or recalled by the principal, or surrendered.

The revocation might be express or implied.

Express revocation is generally free from any difficulty. There must, however, be the same authority to revoke as was given to create the proxy. Hence, if the appointment was by deed, it seems that the revocation must be by deed also; if by writing only, then a revocation by simple writing would suffice.

Implied revocation is not so distinct. According to the general principles applicable to agency, the voting by the principal is at once a revocation of the proxy's appointment. The marriage of a female principal is also a revocation (2 *Off. Cir.* 232); and so is the appointment of another proxy. The death of the principal and his disqualification operate as revocations.

The sending in of a fresh statement by the owner was considered to be an implied revocation. 4 *Off. Cir.* 72.

A surrender of a proxy must be absolute, and, if the appointment be relinquished, it can only be restored by entirely new proceedings.

The statute 7 & 8 Vict. c. 101, s. 15, introduced new regulations on the subject, they are as follows:—

1. That no person shall *vote* as proxy until fourteen days

after he has made his claim so to vote in the manner required by the 4 & 5 Will. 4, c. 76.

2. That "no person shall vote as proxy for more than *four* owners of property in any one parish (except he be a steward, bailiff, or land agent, or collector of rents for the owners of property for whom he may be appointed to vote)."

Under this clause it is to be presumed that the order of the appointments must be regarded, and that the proxy can only vote upon the first four appointments which he has accepted; and that as regards his vote, if he vote on behalf of more, the votes in respect of the subsequent appointments will be invalid.

At the same time it is quite competent for the proxy to surrender his agency, and consequently he may relinquish whichever he may think proper.

It is doubtful whether the acting upon some appointments, but omitting to act upon others, will operate as a surrender of the latter. Probably not. It may be considered that the principal leaves it to the judgment or discretion of the proxy to vote or to abstain from voting.

3. "No appointment of proxy shall remain in force for a longer period than two years from the making thereof, excepting only in the case in which an owner appoints his tenant, bailiff, steward, land agent or collector of rents, to be his proxy; in which case the appointment shall remain in force so long as the proxy may continue to be such tenant, bailiff, steward, land agent or collector, and while such appointment remains unrevoked."

Thus the number of proxies to be held by any person and the duration of the holding was diminished.

Under the 4 & 5 Will. 4, c. 76, s. 40, the proxy's claim was sufficient without an independent claim by the owner; but now the proxy in whatever manner or whenever appointed, cannot vote, unless the owner shall have sent in the statement required by the 7 & 8 Vict. c. 101, s. 15, before the first day of February. The claim of the proxy,

however need not be sent in before that day. 7 *Off. Cir.* 86.

There is no revision of the proxies' claims, though the Overseers in parishes where the lists are revised are required to insert the names of the proxies who may have claimed before the 1st of February in the register, which is to be open to all persons. See 7 & 8 Vict. c. 101, s. 15.

*(b) Of the Register of Owners and Proxies, and its Revision.*

It is not, however, every one who is an *owner* of property in a Parish who can vote in the election, but only such as have sent in the *statements* required by the two statutes.

The statute 4 & 5 Will. 4, c. 76, s. 40, enacted, "that no owner should be entitled to vote, either in person or proxy, unless he should, previous to the *day on which he should claim to vote*, have given a statement in writing of his name and address, and the description of the property in the Parish *as owner* whereof, or *proxy* for the owner whereof, he claimed to vote, to the Overseers of such Parish who were required to enter in the rate books of the Parish, or in some other book to be provided for the purpose, the names and addresses of the owners and proxies, who should send such statements and the assessment on the property, in respect of which they respectively claimed to vote."

The Commissioners in their original election orders, prescribed a form of statement to be adopted and used by owners of property, and also a form of registry to be kept by the Overseers. In their general order of April 22, 1842, directed to the Overseers of Parishes in the Unions then acting, or then under Boards of Guardians, they prescribed a form to be followed by the Overseers, as follows:—

*Book for Registry of Owners of Property and Proxies.*

— Union,  
Parish of —.

No.	Name of Owner.	Address.	Property in respect whereof right to vote is claimed.	No. of reference to Rate Book.	Aggregate Amount of Assessment.	Name of Proxy.	Address of Proxy.	No.	Date on which claim received.

We do certify that the above is a full and correct registry and entry of the claims to vote of owners of property and proxies in the said Parish.

(Signed)

} Overseers.

It seems obvious, though a question has been raised in an important Parish, that the col. 1 is to be filled with the No. of owners, in consecutive order, and that col. 9 is to be filled with the No. of proxies in consecutive order.

Under the statute 4 & 5 Will. 4, c. 76, the statements of owners and the appointments of proxies could be produced at any time, even on the very day of the election, when no opportunity existed for the examination of the validity of the claim.

The 7 & 8 Vict. c. 101, s. 15, however, restrained this practice, by requiring the statements of owners to be sent in before a certain day long previous to the election, and the claim of the proxies to be made fourteen days before they can vote, and also by providing a revision of the claims of owners in particular Parishes.

The statute enacts, that no person shall be entitled to vote as owner in person or proxy during the year following



the 25th day of March in any year, unless before the first day of February next preceding such 25th day of March, he had given to the Overseers the statement required by the former Act.

With regard to the time of sending it in, it may be observed that a claim sent in on a Sunday, if received by the Overseers, will be valid. 7 Off. Cir. 86. *Rawlins v. The Overseers of West Derby*, 10 Jur. 268 ; 2 C. B. 72.

The statement according to the 4 & 5 Will. 4, c. 76, only required the *name*, *address*, and *description* of the property ; but the enactment in 7 & 8 Vict. c. 101, s. 15, requires that the statement shall *also* contain—

“ A description of the *nature* of the *interest* or *estate* he (*i. e.* the claimant) may have in such property, and the statement of the *amount* of all *rent service* (if any) which he may *receive* or *pay* in respect thereof, and of the *persons* from whom he may *receive* or to whom he may *pay* such *rent service*.”

Now the *nature of the interest or estate* may appear to embrace the consideration of the tenure, as whether *freehold*, *copyhold*, or *customary* ; of the duration, as whether *fee simple*, *freehold*, or *leasehold* ; of the amount of interest, as whether *sole* or *joint* ; and lastly, of the kind of interest, as *beneficial* or *fiduciary*,

In the note to the form, which is recommended by the Commissioners, they have directed attention to the duration and the amount of interest only ; not, indeed, expressing an opinion as to whether any other matter need be set out.

Where a person claims to vote in respect of any estate in which he has only a fiduciary interest, it would be most advisable that he should so state his interest, and this course should be adopted where the officer of a corporation or joint stock company claims to vote on behalf of such corporation or company, under 4 & 5 Will. 4, c. 76, s. 40.

In setting out the rents and the names of the tenants, the statute appears to require that the amount of rent paid by them should be stated separately, and not in the aggregate, although the number of votes depend upon the aggregate value of the property. 7 Off. Cir. 86. But by the

supply of this detail, deductions can be made hereafter, if any part of the property be assigned, surrendered, or pass away.

Some difficulty has been felt as to the meaning of the term *rent service* here used, as the definition given in usual law treatises is very technical, and is found to raise inquiries involving much ancient learning.

But it is clear that the Legislature only intended to exclude the mention of *quit rents*, *fee farm rents*, and similar small manorial payments and acknowledgments, as well as *rentcharges*, which are payments by the owner of land out of the profits, wholly unconnected with the occupation.

The Commissioners have, therefore, expressed their interpretation of the term, in popular language, to be the rent which is paid by a tenant upon a demise of the land, whether for a life or lives, or for a term of years.

The Commissioners prepared a form of statement, which they recommended for use by owners, and which is set forth in their Letter of January 16, 1845, above, p. 18.

It is right to notice that though the 4 & 5 Will. 4, c. 76, s. 40, did not require the owner to *sign* his statement, the statute 7 & 8 Vict. c. 101, does so. Perhaps he may authorize any person to sign the statement for him, but a statement signed in his name, without his knowledge or authority, is not valid. 7 *Off. Cir.* 86. Statements are frequently signed in blank, the description being filled in by agents or partizans. This may not be illegal, but it is very irregular and improper.

The statement is to be given to the Overseers, who, as already mentioned, must enter the name and address from the same, together with the assessment of the property, in the register provided for that purpose, and must preserve the statement of the owner.

When the statement has been made, it need not be renewed, so long as the party retains the qualification. 3 *Off. Cir.* 102; 6 *Off. Cir.* 52; 8 *Off. Cir.* 60; 9 *Off. Cir.* 52. This opinion has been questioned, and it has been contended that the statute requires annual claims. Such a course would be very inconvenient, and would generally

work a disfranchisement of this class of voters. On a perusal of the statute it will be seen, that it prevents a person from voting after the 25th of March as owner, unless he shall have sent in his claim and statement *before* the 1st of February *preceding that day*. Now this will be done if the claim shall have been sent in the previous year, or even in the year farther back ; and the language of the statute does not confine the time to the year in which the voting is to take place. At the same time it is to be observed that, if there be any alteration in the circumstances of the owner, or his property, as detailed in the statement, a new claim will, perhaps, become necessary. Thus, a change in the residence of the owner, so that his address is altered, or a letting to a tenant of the property which he had described as in his own occupation, would render a fresh statement necessary. 10 *Off. Cir.* 96.

This is all that will be required in most Parishes.

*Revision of the Register.*

Another provision has been introduced in respect of large Parishes, with the view of procuring a calm investigation of the title of owners to vote previous to the election, and before the excitement and confusion of the contest have arisen, namely, by requiring in Parishes where the population exceeds 2000 persons, a register of owners to be prepared, enabling persons to object to such owners, and requiring a revision of the register, and a hearing and deciding of such objections.

This is set forth in the 7 & 8 Vict. c. 101, s. 15, which enacts, "that the Overseers of every *Parish* containing a population exceeding 2000 persons, shall, on or before the 5th day of February in every year, enter in *the book*, to be from time to time provided for the purpose, the names and addresses of all persons who, before the 1st day of February, have given such statement, or made such claims as owners or proxies, as aforesaid."

In the Appendix will be seen a list of the Parishes where the population exceeds 2000 according to the last census.

It is to be noticed, that the Overseers are not required to

enter more than the names, addresses, and description of the property, so that the register previously prescribed by the Poor Law Commissioners will still be available.

The term *Parish* here meant any place separately maintaining its own poor, (see 4 & 5 Will. 4, c. 76, s. 109, and 7 & 8 Vict. c. 101, s. 74,) and consequently did not apply to a Parish which is divided into several townships, having their own Overseers, of which Parish indeed there would be no Overseers : but since the 29 & 30 Vict. c. 113, s. 18, it signifies "among other meanings applicable to it, a place for which a separate poor rate is or can be made, or for which a separate Overseer is or can be appointed."

"And such Overseers shall allow *any person* to peruse *such book*, without payment of any fee, at all reasonable hours, between the said 5th day and the 10th day of February."

No limitation is expressed as to the person who may peruse the book, but it must be observed that it is only this book which is open to perusal. No right is given to inspect the statements themselves.

"Any person who has given such statement or made such claim, or any rate-payer of such Parish, may, on or before the 15th day of February, object to any other person as not being entitled to vote as such owner, by delivering to the Clerk of the Board of Guardians of the said Parish, or of the Union in which it may be comprised, and at the address of the person objected to, notice in writing of the grounds of such objection."

It appears that either an owner, or a proxy, or a rate-payer, may be an objector, provided the owner shall have given the statement required by the statutes, and the proxy shall have duly made his claim, and provided the rate-payer shall be duly qualified to vote as hereafter shown.

The objector has two duties to perform : he must give notice to the Clerk to the Guardians, and to the party objected to ; this latter notice being delivered *at the address* of the party.

The notice must not be general, but must specify the grounds of objection ; and therefore care must be taken to insert what are intended to be relied on, and also that the

notices to the Clerk and to the claimant do not differ, as it is most probable that the Clerk would not hear any ground of objection that does not appear in each notice.

If no objection be made, the Clerk is not to provide for the revision, and it does not appear that anything is to be done with this register until the election, (7 *Off. Cir.* 86,) when it will be required by the Clerk to be produced before him, as will appear hereafter.

If objections be made,

"On or before the 20th of February, such Clerk shall send to the Overseers of such Parish notice of some *day*, between the 24th of the said month and the 1st of March, on which he or some person duly appointed for the purpose, will hear evidence in relation to such objections, and of the *place* within the Parish or Union at which he or such other person will attend to hear such evidence; and such Overseers shall forthwith cause a copy of such notice to be fixed on or near the doors of all churches or chapels within such Parish, and at all the usual places of affixing notices of parochial business."

Though the term *Clerk* be used, it is to be presumed that in case of a vacancy, the person acting as the Clerk for the time may take these proceedings.

Some question may arise as to the *place* where the evidence is to be heard. The place may be *within the Parish or Union*; and no meaning can well be given to these words except by reading them *reddendo singula singulis*; so that where there is a Board of Guardians for a Parish, the place must be within the Parish; where it is for a Union, the place must be within the Union; hence the Clerk *may*, in the latter case, hear the evidence out of the Parish—as for example, at the board-room of the Guardians, if he think fit. It will not, however, often happen that the Clerk will find it necessary to hear the evidence *out* of the Parish, and generally such a course would be productive of much inconvenience.

The person here alluded, "other than the Clerk," who may attend to hear the evidence is the person who may be appointed to hear it by the Guardians under the

authority of an order of the Commissioners as hereinafter provided:

"And such Clerk shall attend on the day and at the place so appointed, and shall in the presence of all persons who may think fit to be present, hear any matter adduced in support of such grounds of objection, or in opposition thereto, *but none other.*"

The court is to be open to all; but it appears from what follows that it is only the objector who can be heard in support of the objection, though no such limitation appears to exist in regard to the support of the claim.

The objector is confined to the grounds of objection alleged in his notice of objection.

"And the Overseers of the said Parish shall then and there attend and produce to such Clerk the rate-books of the Parish for the whole year preceding, and shall answer all such questions as such Clerk may put to them, or any of them, touching the matter of any such objection."

The term Overseers here includes the Churchwardens, Assistant Overseer, or any other subordinate officer employed in the administration of the Poor Law in the Parish; but practically the attendance of the Overseer, Assistant Overseer, or Collector, will generally suffice. Of course the Overseer must produce the register book itself for the revision of the Clerk.

The rate-books for the past year are required, not because the assessment for the year is necessary to give the right of voting to the owner, but because the rate-books during that period may elucidate questions as to the value or ownership of the property.

Only the Clerk is authorized to examine the Overseer, and his authority is limited to inquiries touching the matter of the objection. It seems, too, that the Clerk cannot travel out of the grounds of objection set out in the notice.

"And such Clerk shall retain *in the said book* the name of all persons to whom no objection has been *duly* made, and of all persons objected to, unless the party objecting have appeared in support of his objection, and established such objection; and when the name of any person has been

*duly* objected to, such Clerk shall require proof of the right of such person to vote *as owner*; and in case any matter be adduced in support of the objection, and the right of the person objected to be not proved to the satisfaction of such Clerk, he shall expunge the name of such person from such book."

This provision requires that the objector must appear and prove that he has duly made his objection, that is, by proving that he delivered one notice in writing, containing the grounds of the objection, to the Clerk, and another at the address of the party objected to, on or before the 15th day of February.

The notice of objection being proved, the right of the claimant is to be proved. It would appear from the language of the statute that the objector must in the first place produce something to impugn that right, in conformity with his notice, but it is not easy to see how this can be done, as the objector would apparently have to establish a negative in the first place.

The claimant is required to prove his right to vote *as owner*. This is expressed in general language, and would probably let in proof of any right, whether set forth in the statement or not; but doubtless, as this could not have been the intention of the Legislature, the Clerk will not allow the claimant to set up a new claim. At the same time, as the statement will not necessarily be before the Clerk, it is not very clear how he can confine the claimant except as to the particular property claimed and entered in the register.

Again, no power of amending the statement or description of the property, is conferred upon the Clerk, but he will be justified in looking at the substance of the claim, and ascertaining whether it is made in such a manner as to be in substance consistent with the right of the party, and to be so framed as that any variance which may exist is not calculated to mislead.

"And such Clerk shall have power to adjourn from time to time and administer an *oath* to the Overseers of any Parish, and to all persons attending before him claiming a right to vote as owners, or objecting to such right, and

to all witnesses who may be tendered or examined on either side."

The word *oath*, by force of the 4 & 5 Will. 4, c. 76, s. 109, which is incorporated into this Act by s. 74, includes the affirmation of a Quaker, Separatist, or Moravian.

The witnesses other than the Overseers must be all volunteers, as it is doubtful whether there is any process which can compel their attendance. No instance exists, so far as the author is aware, of a subpoena to give testimony in any revising barrister's court, or any municipal corporation revising court.

No power is given to award costs.

"And such Clerk shall write his initials against every name *struck out*, and sign his name to every page of the said book; and the persons whose names as owners are retained by such Clerk in such book, shall be the *only* persons entitled to vote in such Parish as owners of property for the year following the 25th of March next ensuing."

The Clerk must not intentionally omit to observe these directions, otherwise he may be liable to a prosecution for a misdemeanor at common law; but the omission of his initials against the names struck out, or of his signature to the page, will not, it is presumed, render the register void.

No authority is given to the Clerk to deal with any name which has not been objected to. 7 *Off. Cir.* 86, No. 56 (N. S.) 78. See also, *Smith, appellant, James, respondent*, 1 Law Rep. C. P. 138.

It is not stated what is to be done with this book; but as it will be produced by the Overseers, it must be returned to them.

The proceedings above set forth are to be conducted by the Clerk to the Guardians. But as occasions may occur when it may not be convenient that the Clerk should be employed upon the performance of this duty, it is provided,

"That the Commissioners may, if they see fit, by order under their hands and seal, direct the Guardians of such Parish or Union to appoint some person other than the Clerk to such Guardians *as a paid officer*, to hear and decide the matter of such objections as aforesaid, who shall have



all such powers as are hereinbefore given to the Clerk, and perform all such duties as are hereinbefore imposed on the Clerk in that behalf."

The Commissioners have entire discretion in this matter, and can doubtless fix the amount of remuneration to be paid for the service, as well as the qualification of the person to be appointed.

The appointment is apparently to be temporary, and for the particular revision. They have issued several orders accordingly.

## 2. — Of Ratepayers.

The second class of voters at elections of Guardians is that of *ratepayers*. This is a term not in itself known to the law, and is one open to much doubt, even in popular language; but the 4 & 5 Will. 4, c. 76, s. 40, explains "that no person shall be deemed a *ratepayer*, or be entitled to vote, or do any other act, matter, or thing *as such*, under the provisions of the Act, unless he shall have been *rated* to the relief of the poor for the whole year immediately preceding his so voting, or otherwise acting *as such ratepayer*, and shall have *paid* the *parochial* rates and assessments made and assessed upon him for the period of one whole year, as well as those due from him at the time of so voting or acting, except such as shall have been made *or* become due within the *six months* immediately preceding such voting or rating."

Two things are thus rendered important,—the *rating* or charging, and the *payment* of the rates for a certain time.

### (a) The Rating.

*First*, rating alone is requisite, and neither *residence* nor *actual occupation* is required to complete the qualification.

Therefore, a person not inhabiting in the Parish, or not occupying the property for which he may be rated, may vote as a ratepayer. See *Off. Cir.* No. 36, p. 72.

Hence, the owners of property, for which they are assessed instead of the actual occupiers under the statute 13 & 14 Vict. c. 99, and many local Acts, are ratepayers within the meaning of this Act. *Richardson v. Gladwin*, 27 L. J. M. C. 193.

On the other hand, the occupiers of rateable property, whose landlords are rated, and who do not pay the rates, are not qualified to vote as *ratepayers*, unless there be some special provision in the local Act on this subject. An example of the reservation of the right is found in the case of *Reg. v. Hampton*, 13 L. T. 431; 12 Jur. 583. See the letter of the Poor Law Board, dated April 2, 1866, in the Appendix.

Although the *rating* may be collusive, for the purpose of giving a vote, yet if the assessment be not repudiated by the voter, it seems difficult for the Returning Officer to enter into the question of the *bonâ fides* of the rate.

So also it is immaterial under what circumstances, or for what purpose the party is rated, as for instance, whether the party has claimed to be rated under the provisions of the Reform Act, (2 & 3 Will. 4, c. 45, s. 30), or of the Municipal Corporation Act (5 & 6 Will. 4, c. 76, s. 11). If the Returning Officer finds the party rated, he is to treat him as qualified.

Although *lodgers* are not to be considered as persons liable to be rated, and would not therefore be ratepayers entitled to vote in this election, (1 *Off. Cir.* p. 21; 3 *Off. Cir.* 103,) still, if, in point of fact, they be rated, and have paid their rates within the limited time, it seems that the Returning Officer will not be justified in rejecting their votes.

*Secondly*, of the Rate and the Rating:—

There must be a *valid rate*. This must have been made in due legal form, with the declaration required by the 6 & 7 Will. 4, c. 96, s. 2, or the 25 & 26 Vict. c. 103, s. 28, appended to it, it must have been allowed by two justices and published with due notice according to the 17 Geo. 2, c. 3. See *Fox v. Davies*, 18 L. J. (N.S.) C. P. 48; 6 Com. B. 11.

With reference to the making of the rate there is no certain rule expressed. It seems, however, that the rate is

made when the Churchwardens and Overseers, or the Overseers, actually signed it. See *Scadding v. Lorant*, 13 Q. B. 687; 14 Jur. 500.

In point of form, the rate must have a proper title. *Q. v. Byrom*, 12 Q. B. 326. *Moulton v. Eastern Counties Railway Company*, 5 E. & B. 974, though errors or omissions in the columns of the rate which describe the property will not render the rate void. *Ib.*

If no legal rate has been made in the parish during the year preceding the election, there will be no ratepayer qualified to vote, 4 *Off. Cir.* 164, unless there had been a legal rate previously made, which had continued in force during the year or part of it. In such a case a person assessed therein would continue to be rated during the year, as a valid rate once made is considered to be the rate in force for the purpose of qualification until another is made. See 4 *Off. Cir.* 100. *Bushell v. Luckett*, 10 Jur. 113; 2 Mann. Gr. & S. 111.

The rate must be made by a majority of the Churchwardens and Overseers: but whether the signature of an assistant overseer will be available to complete the number is open to some question. See *Baker, appellant, Locks, respondent*, 11 Jur. (N. S.) 65; 34 L. J. C. P. 49; 18 C. B. (N.S.) 52, where the nonpayment of a poor rate so made was held to be a disqualification for the parliamentary franchise.

Questions will arise as to what is a sufficient rating. The Commissioners expressed an opinion that the rating of firms, thus *A. & Co.*, only gives a right of voting to *A.* See *Off. Cir.* No. 28, p. 163; though, where the rate was upon *M. & Son*, they thought that the son was sufficiently rated. *Ib.* 106.

In the construction of the Reform Act, 2 & 3 Will. 4, c. 45, s. 27, the Court of Common Pleas have decided in *Wright v. The T. C. of Stockport*, 5 Mann. & Gr. 33, where a factory was let out to different spinners separately, so that each was a distinct occupier of a separate room, and the names of all the occupiers, with that of the landlord, were entered in the rate as occupiers, while single sums were stated for the whole in the different columns, the property

being described as a factory, that each of the persons was duly rated in respect of the premises which he occupied.

The cases decided on the settlement of paupers, by being assessed to and the paying of parochial rates, introduced much laxity in reference to the rating of persons, and the Commissioners hesitated to adopt them in regard to this matter; nevertheless, the description of a party in the rate, as Mr. A. M.'s *Executors*, was considered by them as sufficient, he being the party really intended; so also where John Smith was improperly rated as George Smith. And a rating on C. Brothers was sufficient for the vote of R. C. as one of the firm. 4 *Off. Cir.* 54.

The Commissioners have in reference to the decision of *Q. v. Hulme*, 12 L. J. R. (N. S.), M. C. 100, S. C. 4 Q. B. 538, expressed an opinion that the omission of a party's name from one rate which he actually paid, did not disqualify him. 4 *Off. Cir.* 71.

Where separate rates had been made for different parts of the same Parish, the parties on the separate rates were considered as sufficiently rated for this purpose.

But where the name of a former occupier was *continued*, the payment by the real occupier was considered insufficient for his qualification, there being no intention on the part of the Parish Officers to rate the real occupier.

Since the decision of the case of *Moss v. St. Michael, Lichfield*, 7 M. & G. 72, however, they have intimated their opinion that when the rate is defective as to the description of the occupiers, explanation may be given to show what parties were intended to be rated, and thus to let in all the actual members of the firm mentioned in the rate, but comprised under the abbreviation *and Co.* See 9 *Off. Cir.* 60; 10 *Off. Cir.* 21.

Where the Overseers, not knowing all the joint occupiers of a firm, omitted the name of one from the rate, he was held not entitled to be registered under the Reform Act. *Moss v. St. Michael, Lichfield*, ubi sup.

Where a tenement was named in the rate, but not the occupier, and the overseer did not know the latter, he did not gain a settlement though he paid the rate.

*R. v. Llangammarch*, 2 T. R. 628. In various cases relating to settlements the rating has been held to be valid upon a person whose occupation of the premises was known to the overseers, but whose name did not appear on the rate, such as "the occupier of Hoscoe's," *R. v. Brightman*, 2 Burr. 1062. "Thomas Clifford or tenant," *R. v. Painswick*, Burr. S. C. 465; "late Lowbridge's house," *R. v. Wulsall*, Cald. 35; late "Hurrell's" ("now —, late Samuel Hurrell,") *Hurrell v. Wink*, 8 Bing. 369. It is probable, however, that such uncertain ratings do not now frequently occur. In regard to the incorrect description of the occupier in the rate by erroneous spelling, wrong christian name, omission of part of the name, or other misdescription, the rule appears to be this, that if the identity can be ascertained, notwithstanding such defects, the rating will be sufficient; but if the error destroy the identity, and there be no means of ascertaining that the real occupier was intended to be rated under the erroneous name, the party cannot vote.

In the case above cited from 5 Mann & Gr. Tindal, C. J. says, at p. 52—"We think, therefore, that if the rate be in such form that the name of the occupier, the premises for which he is rated, the rateable value thereof, and the amount of the rate appear, it is a sufficient rate within the intention of the Act," (*i. e.* the 2 & 3 Will. 4, c. 45).

The rate need not be on the same premises during the whole year, but it is sufficient if the party be actually rated *continuously* for some premises in the parish for a year. 1 *Off. Cir.* p. 20. See, however, the remark on p. 56, as to accidental omissions.

It is a question whether a tenant, who comes into occupation after a rate has been made, and being required to do so, pays the same under 17 Geo. 2, c. 38, s. 12, can be considered as rated within the meaning of this Act. It has been held, that he thereby gains a settlement, (*R. v. St. Mary-le-bone*, 19 L. J. R. (M. C.) 833; 15 Q. B. 399,) because he was charged with the rate. But that Act does not actually put his name on the rate. Accordingly, in *Reg. v. Eddowes*, 5 Jur. 469, 1 E & E. 330, it was held, that a person who was entered in the rate book after the

rate was made and allowed, and paid a portion of the rate, was not duly rated so as to confer a qualification.

And as it is necessary that he should have been rated for a year, if there was no rate at the commencement of the year, and the party were not on a previous rate, he will not be qualified; whereas, if he were assessed to a rate made prior to the commencement of the year, and none be made during the whole of that period, he will be qualified. 4 *Off. Cir.* 100.

And though a rate may have been made for a specified period, which has expired, yet, if no fresh rate be made, it continues to be the rate for the time being. *Bushell v. Luckett*, 2 Mann. Gr. & Sc. 111; 10 Jur. 113.

The insertion of the name of the owner in the rate where the occupier is also named, and is, in fact, rated, does not render the former a *ratepayer* within the meaning of this statute. The general presumption before the Parochial Assessment Act, where both names appeared, was, that the tenant was intended to be rated. *R. v. Rainham*, 5 T. R. 240. In cases under the Reform Act it has been held, that the insertion of the occupier's name under that of his landlord, is a sufficient rating of the former, though no sum be carried out against his name, and his name is not bracketed with that of the latter. *Judson v. Luckett*, 2 Mann. Gr. & Sc. 197. *Pariente v. Luckett*, *ibid.* 177. But the provisions of the Reform Act, in some respect, differ from those of the Poor Law Amendment Act, and in these cases, the question as to the payment of the rate was not discussed.

Where corporations are assessed, and there is no one especially named on their behalf, they cannot, as it seems, vote. The right also of the members of unincorporated companies, Commissioners, or public trustees to vote, as regards the assessment upon their property, is not clear. In practice, such persons do not vote in respect of this assessment. If some person be actually on the rate for them, such person would, perhaps, be qualified to vote as a *ratepayer*. See 59 Geo. 3, c. 85, s. 2, and 9 *Off. Cir.* 22.

The express provision which the Legislature has made

for the voting of corporations and companies as owners only, (see *ante*, p. 38), leads to an inference, that it was not intended that they should vote as ratepayers.

*(b) The Payment of the Rate.*

The next point for consideration is the *payment* of the rate. The simple case is, of course, where the party assessed pays the rate himself; but a payment by his agent will be available. Consequently, a payment by a landlord of rates assessed upon the tenant, will be deemed a compliance with the statute; 1 *Off. Cir.* 19; 2 *Off. Cir.* 231; 6 *Off. Cir.* 87; provided the payment be made with the knowledge and acquiescence of the tenant. 7 *Off. Cir.* 87.

It is immaterial whether the landlord be reimbursed or not, or whether he receives a higher rent or not, in consequence of such payment. *Cook v. Luckett*, 2 Mann. Gr. & Sc. 169.

But a payment by the landlord for a rate for which he is assessed is not sufficient for the tenant, though the latter's rent is higher than it would be if the landlord did not pay. *R. v. South Kilvington*, 5 Q. B. 216.

Where premises which officers of the Crown are permitted to occupy are rated in the names of those officers, but the rates are paid by the Crown, or, if paid by those officers, are repaid to them, such payment or repayment being in part remuneration of the services rendered, the payment is available for the elective franchise under the Reform Act. See *Hughes v. The Overseers of Chatham*, 5 Mann. & Gr. 54.

But if the occupation is required for the more efficient performance of the duties or services imposed upon the officer, the law is otherwise. *Dobson v. Jones*, *ib.* 112. *Clark v. Overseers of Bury St. Edmunds*, 1 C. B. (N. S.) 23. *Bridgewater v. Durrant*, 5 L. T. (N. S.) 491; 11 C. B. (N. S.) 7.

Thus also a payment by one of several persons assessed

jointly operates as a payment by all others, where the whole rate is paid. *Wright v. The Clerk of Stockport*, 5 Mann. & Gr. 38.

As to the wholesale payment of rates by a party not the agent of the persons assessed, for the purpose of making votes, see the case of *Q. v. The Mayor of Bridgenorth*, 10 A. & E. 66.

In the late case of *Q. v. Bengeworth*, 3 E. & B. 637; S. C. 23 L. J. R. (M. C.) 124, the Court of Queen's Bench held, that a settlement was not gained when the pauper's rates were paid by another person without his authority. But the authority may be inferred from facts, though not actually proved. See *R. v. Bridgewater*, 3 T. R. 550.

Excusal of rates is not to be considered as payment; though a party who has been excused may nevertheless become qualified, by a payment of the rates so excused, before the election. 2 U. Y. B. 1840, p. 13. But, as under the statute 54 Geo. 3, c. 170, s. 11, where a party is excused on the ground of poverty, the name is to be struck out of the rate, the excusal from payment in a former year does not, as it seems, affect the right in a subsequent year, provided that right is complete therein.

If all rates due in the particular parish had been paid, it is of no importance that the party may be indebted in respect of a rate in another Parish in the same Union. 2 U. Y. B. p. 12.

The payment may be made any time before the election, that is, any time before the delivery of the voting papers by the Clerk to the Distributor.

Payment is not required, except in respect of rates due. The Poor Law Amendment Act, sect 40, required that the ratepayer should have paid the *parochial* rates and assessments made and assessed upon him for the period of one whole year, as well as those *due* from him at the time of his so voting, except such as shall have been made or become *due* within the *sic months* immediately preceding such voting.

Upon this it had been held by the Commissioners, that



the term *parochial rates* included all rates made in the Parish, such as the church rate or highway rate.

This led to much dissatisfaction and confusion under the peculiar circumstances which attend many of those rates; and the 7 & 8 Vict. c. 101, s. 16, after reciting this provision, enacts "that such parochial rates and assessments shall be deemed to extend only to rates made for the relief of the poor."

In regard to when the poor rate is *due*, the Court of Common Pleas decided as above noticed, that it is not valid until it has been allowed and published, therefore it is not *due* until these proceedings have taken place. *For v. Davis*, 6 Com. B. 11. *Bushell v. Luckett*, 2 M. Gr. & S. 11. But a demand of payment upon the ratepayer is not necessary to make it due. See *R. v. Bidwell*, 1 Dea. C. C. R. 230, S. C.; 17 L. J. (M. C.) 105.

The rate is made, however, when it is signed by the overseers, and if they be acting *de facto* as such, the rate cannot be questioned except upon appeal. See *Scadding v. Lorant*, 13 Q. B. 706; 5 Jur. 955.

In the proviso as to the exemption of the last six months, no description of the term *months* is introduced; consequently, by virtue of the usual interpretation, they were construed as *lunar* months. But the 7 & 8 Vict. c. 101, s. 74, defines *month* to mean *calendar* month; so that thenceforth the exemption was prolonged.

*Of Voting in Wards.*

Some parishes have been divided into wards for election of guardians, and the qualifications of the ratepayers is affected thereby. The 7 & 8 Vict. c. 101, s. 21, provides for their qualification. Thus, generally the voter can only vote in a ward in respect of property situated in that ward; therefore, if he have not been rated for that property, he cannot vote as a ratepayer therein; so, also, if he have not properly claimed as owner he cannot vote as such. He is

also required to reside in the ward in respect whereof he claims to vote, (8 *Off. Cir.* 60), unless he shall be entitled to vote in respect of property situated in another ward. In this case, if he give notice in writing to the overseers before the day appointed for the annual nomination of candidates, (i. e., before the 26th day of March,) in what ward or wards he will vote for the ensuing year, he will, if he continue qualified in respect of such property, be entitled to vote in such ward or wards. He may also determine the number of votes which he will give in the several wards for which he is entitled to vote.

The notice must be an annual one. If omitted to be given or renewed, the ratepayer or owner, who does not reside in the parish or in the ward where the property is situated, will not be qualified to vote. See 6 *Off. Cir.* 88.

An owner having property in several wards, and residing in one, may vote as owner in all those wards, provided he has given the notice, and does not exceed the number of votes allowable on the aggregate of his property. 9 *Off. Cir.* 163.

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Attention must now be given to the *disqualification* of voters.

It is probable that the ordinary common law disqualifications at parliamentary elections would prevail in this case, so that an *infant*, an *alien*, a *felon convict*, a *married woman*, whether her husband be abroad or in England, or a *lunatic*, cannot vote.

The Commissioners have expressed their opinion that a married woman, though entitled to property for her separate use, could not vote as owner. 2 *Off. Cir.* 232.

But an unmarried female, being an owner or ratepayer, may vote. See *Olive v. Ingram*, 2 Stra. 1114.

The receipt of parochial alms or relief does not disqualify the voter, in the opinion of the Commissioners, if his rates be paid. 2 *Off. Cir.* 231.

And so neither bankruptcy nor insolvency disqualifies, if the rates be paid.

The paid officers of the Union or Parish are not disqualified, though the Commissioners have recommended that they should abstain from voting in cases of contests. 2 *Off. Cir.* 231.

The Clerk is Returning Officer ; but there is no principle in election law which prevents the Returning Officer from voting, if he thinks fit to do so. His voting naturally tends to raise a doubt as to his impartiality, which he will of course wish to avoid. *Ib.*

The Commissioners treat any partiality or undue interference, on the part of any officers of the Union employed in the conduct of the election, as a serious offence, *ib.* ; and have dismissed some officers who have abused their offices for political purposes.

## II. *Scale of Voting.*

Having thus determined who are qualified to vote, both as owners and as ratepayers, it is requisite to consider the number of votes which each voter possesses ; as in this election, the result whereof may mainly affect the property of the owners and ratepayers, a proportionate number of votes is given to those parties, according to the value of their property. This is estimated by reference to the assessment to the poor rate thereon, which is taken, not by reference to the gross value, but to that value upon which the rate is calculated. 2 *Off. Cir.* 232.

By the Poor Law Amendment Act a different scale of votes existed for owners and ratepayers ; the number of votes for the former being calculated by reference to the Vestry Acts of 58 Geo. 3, c. 69, and the 59 Geo. 3, c. 85, while a particular scale was provided in the Act itself for the votes of ratepayers.

But the Act 7 & 8 Vict. c. 101, s. 14, repealed the provision in reference to these scales, and introduced a uniform scale for both classes. It enacted, that in all cases in which by the Poor Law Amendment Act, and by any Act amend-

ing or extending the same, owners of property and rate-payers are entitled to vote, every owner of property and ratepayer shall have respectively the *same* number and proportion of votes, according to the scale following; that is to say,—

If the property in respect of which he is entitled to vote be rated upon a rateable value of less than £50 - - - - -	} He shall have one vote.
If such rateable value amount to £50 and be less than £100 - - - - -	} He shall have two votes.
If it amount to £100 and be less than £150 - - - - -	} He shall have three votes.
If it amount to £150 and be less than £200 - - - - -	} He shall have four votes.
If it amount to £200 and be less than £250 - - - - -	} He shall have five votes.
If it amount to or exceed £250 - - - - -	} He shall have six votes.

It will be seen that it adopts distinctly the *rateable value* as the basis, and this will be ascertained by reference to the rate, as it is contained in the column bearing that name, according to the form given in the Parochial Assessment Act, 6 & 7 Will. 4, c. 96. If the entry in that column be incorrect, parties will apparently be bound by it, in regard to the election.

The number of votes in the cases of joint owners, or joint occupiers, is not clearly defined by the statutes. The 4 & 5 Will. 4, c. 76, s. 40, provided that owners should have the same number and proportion of votes as are provided for inhabitants in the 58 Geo. 3, c. 69, and that Act enacted, that where two or more inhabitants present at the vestry, should be jointly rated, each should be entitled to vote according to the proportion and amount borne by him of the joint charge, and where one only should attend, then he should be entitled to vote according to and in respect of the whole of the joint charge.

Upon this the Commissioners advised that joint owners were *bound* to divide the number of votes given by the property itself among the number of owners, and that each was entitled to the proportionate number of votes according to his interest; and as this rule was established with reference to the owners, they considered that it was also appli-

cable to occupiers ; so that they also must divide the property jointly occupied by the number of occupiers. 1 *Off. Cir.* p. 21.

Where property is owned or occupied by a person jointly with others, and other property is owned or occupied by him separately, the two properties are not to be combined, but the votes in respect of each are to be estimated distinctly. 3 *Off. Cir.* 104. Such was the opinion expressed by the Commissioners in 1843 ; but the Poor Law Board, in 1849, said that each joint occupier and joint owner who is effectively rated, is to be considered as a separate ratepayer or separate owner, and hence, in either case, the property which is in the independent occupation of voters can be added to the share in their joint occupation, in determining the number of votes to which they are respectively entitled. 8 *Off. Cir.* 61.

The enactment in the last Act omitted the reference to the former statute of the 58 Geo. 3, c. 69, and made no provision for the case of joint interests, or joint occupations.

The principle heretofore established is so reasonable that it will, in all probability, be held still to prevail, notwithstanding the silence of the statute.

This point has been brought under discussion in the Court of Queen's Bench with reference to the election of a member of a local board during the last term, (*Hil.* 1867,) but is not yet decided.

Questions have arisen as to the proportions of the interest among the different parties jointly interested, which could only be distinctly settled by the evidence of the partners themselves ; but in the absence of evidence to the contrary, the Commissioners advised that the interest should be presumed to be equal. (2 *Off. Cir.* 231 ; 3 *Off. Cir.* 101.) In regard to owners, the new form of statement has, in this respect, tended to obviate much of this uncertainty.

The 4 & 5 Will. 4, c. 76, s. 40, contained this provision, that " for the purpose of ascertaining the number of votes to which each such owner shall be entitled, the aggregate amount of the assessment for the time being of any pro-

perty belonging to such owner in such parish, or on any person in respect thereof, to the poor rate shall be deemed to be and be taken to be the annual value of such property to such owner." This enactment prevented the owner from splitting his property in the parish, so as to multiply the votes to which he would be entitled.

It is not repealed by the subsequent statute, and consequently will be still applicable. Hence, it matters not how many statements the owner may send in, as the property must be added together, and he will only be entitled to vote upon the aggregate amount of the assessment.

If a person be assessed in respect of his own occupation, and also in respect of property occupied by others, his votes are to be calculated upon the aggregate of the whole. *Reg. v. Kirby*, 3 L. J. (Q. B.) 3; 1 B. & S. 648.

The Poor Law Amendment Act provided in s. 40, that "where any such owner shall be the *bond fide occupier* of such property, he shall be entitled to vote as well in respect of his occupation, as of his being such owner." Hence, an owner in occupation of the property has a double set of votes, one in respect of each right.

But each right must be complete. If he would vote as an owner, he must have duly sent in his statement before the 1st of February; if he would vote as an occupier, he must be qualified as any other ratepayer. If, however, he be not qualified as owner, he may vote as ratepayer, being qualified as such, and though not qualified as ratepayer, he may, if so qualified, vote as owner.

The owner of the tithe rent-charge living in the parish appears to be entitled to vote as owner and as occupier, according to the spirit of the enactment, though he can scarcely be said to be, in legal language, the *bond fide occupier* of the property.

In regard to the voting, the voter is entitled to give the entire number of his votes upon each particular question; therefore, where several guardians are to be elected, he can, (subject to the provision hereinafter mentioned, in regard to *wards*,) give to each candidate for whom he proposes to vote, the full number of his votes as owner or occupier, the pro-

posing of each candidate being in the light of separate questions.

But he cannot distribute his votes so as to give to one candidate more than his proper number, and to another less; (2 *Off. Cir.* 232;) and it seems that he cannot give to any one less than the amount of votes to which he is entitled. Certainly the form of the voting paper prescribed by the Poor Law Board does not contemplate such a course of proceeding.

He may vote for one candidate only and omit the others.

When the Commissioners have divided any parish into wards, under the 7 & 8 Vict. c. 101, s. 21, "no person shall give in all of the wards a greater number of votes than he could have given if the parish had not been divided; nor in any ward more than he is entitled to in respect of property in such ward." This section, however, allows him to distribute annually the number of his votes among the different wards where his property is situated.

### III. *Of the Qualification of the Candidates.*

The 4 & 5 Will. 4, c. 76, s. 38, conferred upon the Commissioners the power of fixing the qualification, without which no person should be eligible as a *Guardian*, which was to consist in being *rated* to the poor-rate of some Parish or Parishes in the Union, but they were not to require a qualification exceeding the *annual rental* of *forty* pounds.

Accordingly, the Commissioners, when they formed each Union, determined the qualification to be a rating on an annual rental of some amount not exceeding £40.

With reference to this qualification—

The *first* point is as to the *rating*, and in regard to this it seems only necessary to advert to what has been already set forth in respect to the qualification of a *ratepayer*. Whatever is a legal and effective rate for a voter is sufficient for a candidate. (8 *Off. Cir.* 60.) The assessment is sufficient for this purpose, whether the candidate be assessed as owner (*Reg. v. Hampton*, 12 Jur. (N. S.) 587,) or occu-

pier of the whole, or as *owner* of part, and *occupier* of the residue. (8 *Off. Cir.* 60, No. 49, (N. S.) 68.) It is necessary that the rating should be *bond fide*, as a fraudulent or collusive rating will not confer a qualification. (8 *Off. Cir.* 163.) This is oftentimes a question of fact, not easily determined, especially as the Clerk cannot examine upon oath.

The *next* point is as to the meaning of the words *annual rental*. The Commissioners have construed them as signifying *value*, and that the qualification is to be a rating on hereditaments of an annual *value* of not less than the specified amount. See 1 *Ann. Rep.* 75.

This value is a fact to be determined by evidence, because the amount of the rate is not the criterion, nor the value of the property, as shown by the rate. If, indeed, no evidence but the rate-book is produced, the amount entered in the column designated *the gross estimated rental* is not to be taken as showing the value, as, from the mode in which the sum therein inserted has been calculated, it probably sometimes exceeds the fair annual value. So also the column designated *the net annual value*, does not give a strictly correct estimate of the value, as several items may have been deducted of an arbitrary character under the provisions of the Parochial Assessment Act. 3 *Off. Cir.* 106.

Still the Commissioners have advised, that if no other evidence be supplied, this latter column affords a test which may be fairly acted upon.

It may be remarked that the qualification of a town councillor in a borough, under 5 & 6 Will. 4, c. 76, s. 78, consists in the being "rated to the relief of the poor upon an annual value of not less than £15," and this it has been held applies to the "rateable value," and not "the gross estimated rental." See *Baker v. Marsh*, 24 L. J. R. (Q. B.) 1.

The property which is the basis of the qualification may be in any one parish or be dispersed through several Parishes in the Union, so that the aggregate annual rental amount to the sum fixed as a qualification. (2 *Off. Cir.* 227.) See also *R. v. Churchwardens of St. Pancras*, 1 A. & E. 80,



as to the interpretation of the word *rental* in the 1 & 2 Will. 4, c. 60.

In the case of joint occupations or partnerships, if the property be of such a yearly value that it would yield, when divided among the partners interested in it, an amount to each, equivalent to that fixed as a qualification, each would, if distinctly rated, be eligible; but if the annual value, when so divided, be insufficient, he would not be eligible. (2 *Off. Cir.* p. 227; 3 *Off. Cir.* 107.) His qualification as a Guardian, with reference to rating, is the same as with reference to his voting, above discussed. A husband cannot avail himself of the separate property of his wife for which she is assessed in her own name. 6 *Off. Cir.* 104.

The value at which the property is actually rated or assessed is immaterial. 2 *Off. Cir.* 227.

No length of time is required for the being rated. The candidate need not have been assessed for the whole of the previous year. (6 *Off. Cir.* 52.) It is enough that he is assessed at the time of nomination.

It is to be observed that the *payment* of the rate is not requisite, as the rating is sufficient. (1 *Off. Cir.* p. 23.) And it is immaterial in what Parish the rating may be, as a party may be elected as Guardian for any Parish in the Union, if he be rated in some one of them.

The candidate need not be *resident* in the particular Parish for which he is elected, as the 4 & 5 Will. 4, c. 76, in sect. 38, expressly provides that a person may be elected as a Guardian of a Parish who may already have been chosen as a Guardian of any other Parish. 4 *Off. Cir.* 51; *Off. Cir.* 149.

And as residence in the *Parish* is dispensed with, there is nothing which requires it to be in the *Union*.

Again, the *occupation* of the property rated is not requisite. 2 *Off. Cir.* p. 227. *Reg. v. Hampton*, ubi sup.

If a person rated in respect of the occupation of certain lands ceases to occupy a portion thereof, so that the value of his occupation is below the limit assigned by the Commissioners, he continues qualified to be a Guardian until another rate is made, omitting that portion. 7 *Off. Cir.* 85.

On the other hand, occupation of premises rated in another's name cannot be united with the occupation of premises rated in the occupier's name of insufficient value, to make up the qualification. 4 *Off. Cir.* 51.

Ownership of property rated in the name of the owner's tenant will not confer a qualification. 3 *Off. Cir.* 136.

*Bankruptcy* does not of itself render a person ineligible as a Guardian if he continue rated; nor does a composition with his creditors. 3 *Off. Cir.* 105.

By 7 & 8 Vict. c. 101, s. 20, it is enacted "that when a parish is divided into wards for the purpose of electing Guardians, every person qualified to be elected as a Guardian in the *Parish*, shall be qualified to be elected in any *ward* within the same Parish.

"But no person shall, at any election of Guardians, be elected for more than one ward within the same Parish."

As in a Parish a person is qualified for a Guardian thereof, though his assessment may be in any other part of the Union, so he may be qualified for any ward in a Parish though the property for which he is assessed may be in any other ward. 8 *Off. Cir.* 60.

The Clerk is only to ascertain whether the candidate is qualified at the time of the election, that is, before the return is made, and is not to speculate upon any expected disqualification. 1 *Off. Cir.* p. 19.

The Poor Law Board have expressed their opinion that a person qualified to act as an *ex-officio* Guardian may nevertheless be elected as a Guardian for a Parish in a Union. *Off. Cir.* p. 48. (N.S.) 57.

When places, formerly extra-parochial, are added to Unions, the Overseer, or the first named where there are two, is to act as Guardian until there are ratepayers competent to elect. 20 Vict. c. 19.

### *Disqualification.*

It was considered by some persons that the Churchwardens or Overseers of a Parish were not qualified to be Guardians, as there was an apparent incompatibility in the

two offices ; but the Commissioners were advised by the late Lord Chief Baron Pollock, when Attorney General, that there was no legal disqualification in the case, and accordingly it has been since considered that they are not disqualified ; and as a consequence Assistant Overseers were not disqualified.

But the 5 & 6 Vict. c. 57, s. 14, has since enacted, " that no person during the time for which he may serve or hold the office of *Assistant Overseer* of any Parish, nor any *paid officer* engaged in the administration of the laws for the relief of the poor, nor any person who having been a paid officer shall have been dismissed within five years previously from such office under the provisions of the 4 & 5 Will. 4, c. 76, shall be capable of serving as a Guardian.

" And no person receiving any fixed salary or emolument from the *poor rates* in any Parish or Union shall be capable of serving as a Guardian in *such* Parish or Union."

There appears at first sight a tautology in this enactment, as the latter prohibition seems to be involved in the former, which is of more extensive operation ; but the latter only disqualifies in the particular Parish or Union, the former disqualifies generally. See 4 *Off. Cir.* 101. Hence, the Clerk (7 *Off. Cir.* 134,) or Treasurer of one Union cannot be a Guardian of another.

It will be noticed, also, that the former applies to an *officer* who will generally be appointed under some authority of a permanent nature and of a uniform character, applicable to most Unions, so that inconvenience might frequently arise if the officer of one Union were the Guardian of another. Whereas, although it may be inexpedient that a person, not an officer, but receiving some fixed salary in a Parish or Union, should hold the office of Guardian therein, and thus be placed in some position of incompatibility, such inconvenience would hardly arise in reference to some other Union.

This disqualification applies only to *paid officers* in terms, and therefore supports the previous doctrine, that unpaid officers of the Parish, such as the Churchwardens or Overseers, are not disqualified.

A question has arisen with reference to a *Treasurer* of a Union. Perhaps it might have been considered that his office of itself was such as to render him disqualified. But where he receives a salary he is clearly within the provision of this Act; and when he is not paid by any fixed salary, Art. 174 of the Consolidated Order provided that the use of the money left in his hands shall be deemed to be the payment for his services. (See *Delane v. Hillcoat*, 9 B. & C. 310.) Hence, he is now to be considered a *paid officer* engaged in the administration of the Poor Laws.

A *Waywarden*, who is a species of surveyor of the highways acting gratuitously, is not disqualified. 3 *Off. Cir.* 107.

Again, as the salary must be paid out of the poor rates, collectors of land tax or other parochial taxes, not paid out of that fund, are not disqualified. Neither is a High Constable who is paid by a salary out of the county rate. 6 *Off. Cir.* 53.

The landlord of land rented by the Guardians at a fixed yearly sum is not disqualified. 9 *Off. Cir.* 21.

Among the persons not disqualified as receiving a fixed salary or emolument, the Commissioners have expressed their opinion that the *Clergyman*, who simply receives fees for certified copies of marriages under 1 Vict. c. 22, s. 27, is not within the prohibition. See 3 *Off. Cir.* 9.

On the other hand, the *Chaplain* of the Workhouse is within it, (3 *Off. Cir.* 84,) though he receive but a nominal salary. 7 *Off. Cir.* 222.

So also the *Vaccinator*, who has contracted with the Guardians of the Union, has been considered by the Commissioners as receiving a fixed emolument, and therefore disqualified. See 3 *Off. Cir.* 148.

The *Valuer* of a Parish in the Union, under a contract with the Guardians, is disqualified. 3 *Off. Cir.* 119, and 4 *Off. Cir.* 80, *sed quare*.

The *Partner of an Officer*, such for instance, as the Auditor, or the Medical Officer or Clerk, is not disqualified. See 3 *Off. Cir.* 107; 4 *Off. Cir.* 165.

Neither is a *Surety* for an officer disqualified. 3 *Off. Cir.* 107.

Nor the substitute for the Medical Officer. 4 *Off. Cir.* 165.

Whether a Registrar of Births and Deaths is competent to be a Guardian, is open to some question. See 2 *Off. Cir.* 227; 3 *Off. Cir.* 9. By the General Rule of the Registrar General as to the qualifications of Registrars, no person who is at the time a Guardian can be elected Registrar, but the rule does not disqualify a Registrar who should afterward become a Guardian. The Poor Law Board have, however, been advised that as the Registrar is an officer subordinate to the Guardians, to whom he renders accounts and from whom he is to receive payment, the offices are incompatible, and therefore a Registrar cannot be legally appointed a Guardian. See *Off. Cir.* No. 55, (N. S.) 56. As, however, a Registrar of Marriages is not paid out of the poor rate, and is not an officer connected with the relief of the poor, he is not so disqualified. *Id.* It is to be observed that the 1 Vict. c. 22, s. 18, exempts every such Registrar and every Registrar of Marriages from serving every *parochial* office.

In regard to other disqualifications, it was considered by the Commissioners that a *minor* cannot be a Guardian, (see 4 *Off. Cir.* 51); and that a *woman* is not qualified. 1 *Unions Y. B.* 13. But see 9 *Off. Cir.* 83.

By 4 & 5 Will. 4, c. 76, s. 48, no person shall be eligible to hold any Parish office, or have the management of the poor in any way whatever, who shall have been *convicted* of felony, *fraud*, or perjury.

The Poor Law Board expressed their opinion that a conviction for harbouring and concealing tobacco against the excise laws was not a conviction of a fraud within the meaning of this clause. 8 *Off. Cir.* 163.

The same clause prevents any officer removed by the Commissioners from being appointed to any paid office in the same Union or Parish without their consent. The 5 & 6 Vict. c. 57, s. 14, already quoted, prevents him from serving as a Guardian for five years after his dismissal. This is expressed generally, and applies therefore to every Union or Parish.

By 12 & 13 Vict. c. 106, s. 47, which remains unrepealed, certain officers in bankruptcy are *disqualified* from serving any parochial office. By 1 Vict. c. 23, s. 12, no officer of the *Post Office* is compelled to serve any such office. The like exemption exists by the 7 & 8 Geo. 4, c. 53, and 16 & 17 Vict. c. 59, s. 17, to officers of the *Customs* and the *Inland Revenue*. The 21 & 22 Vict. c. 90, s. 35, exempts medical practitioners, who are duly registered under it, in like manner. And the Annual Marine Mutiny Act provides that no officer in the *marine force* commissioned and in full pay, or employed in enlisting for such forces, shall be capable of being nominated or elected Guardian of any Union. See 29 & 30 Vict. c. 59. No similar provision exists in the Army Mutiny Act.

For other exemptions see Burn's Justice, "Poor," "Overseers."

A person is not disqualified for being a Guardian for a Parish in one Union because he has been nominated as a Guardian in another Union. *Off. Cir.* No. 54, (N. S.) 44.

### *Ex-officio Guardians.*

Besides the Guardians elected to represent the different Parishes in Unions, the 4 & 5 Will. 4, c. 76, provided that Justices of the Peace should be *ex-officio* Guardians of Unions.

In sect. 38, it is enacted, "that every Justice of the Peace residing in any such Parish (*i. e.* the Parish united with others), and *acting* for the county, riding, or division in which the same may be situated, shall be an *ex-officio* Guardian of such united or common Workhouse." And sect. 39, which provides for a Board of Guardians in a Parish, contains similar words.

The interpretation clause, s. 109, gives the interpretation of the words *Justice of the Peace*, "unless where otherwise provided by that Act," and therefore the general words there introduced have been considered as not applicable in this instance.

The Commissioners have accordingly held, that the Justices of a corporate town, not being a county of itself, are not *ex-officio* Guardians of the Union in which the town is comprised. 2 *Off. Cir.* 210. As to what is not a division, see 5 *Off. Cir.* 103.

On the other hand, where a city or town is a county of itself, the justices thereof, and consequently the mayor, are such Guardians. 1 *Unions*, Y. B. 113. Such was the advice given to the Poor Law Commissioners by the late Sir William Follett. *Off. Cir.* No. 57, (N. S.) 84.

The 7 & 8 Vict. c. 101, s. 24, has enacted, "that every Justice acting for the county, &c. in which such Union or Parish, or any part thereof, is situated, and residing in any *extra-parochial place*, the boundary line of which, or the greater part of the boundary line of which, is included within or coincident with the boundary line of such Union or Parish, shall be *ex-officio* a Guardian of such Union or Parish."

This applies to cases where the extra-parochial place is locally situated *within* the Union, or on the confines, but as almost all extra-parochial places have, since the statute 20 Vict. c. 19, become parochialized, and been placed in Unions, this clause is not of much use.

The statute also enacts, that "every Justice of the Peace residing within such Union, and *acting* for any county, riding, or division, in which any part of such Union is situated, shall be *ex-officio* a Guardian of such Union."

A Justice may therefore be an *ex-officio* Guardian, though he do not reside in the county for which he acts, provided he resides in the Union, or in an extra-parochial place within or contiguous to it.

Where a Parish was divided for the relief of the poor, and part was in one Union and the residue in another Union, a Justice of the Peace residing in one part was held by the Poor Law Commissioners to be incompetent to act in both Unions. 4 *Off. Cir.* 159.

A Justice may be resident in the Union, though living in lodgings hired by him in a furnished house. 2 *Off. Cir.* 210. Whether other circumstances may negative the fact

of residence, is a different question, and the fact of residence is frequently one of much difficulty to determine. There must be an intention of abiding in the place, and of a continued dwelling therein. Apparently, however, if a Justice live part of the year within the Union, he can act as a Guardian thereof, though for the rest of the year he resides elsewhere.

As a sheriff of a county cannot, by 1 P. & M. s. 2, c. 8, act as a Justice of the Peace, he cannot be an *ex-officio* Guardian of any Union during the year of his shrievalty. 3 Off. Cir. 54.

A *Coroner* is not by virtue of his office a Justice of the Peace, and is not therefore an *ex-officio* Guardian. 3 Off. Cir. 8.

The Justice must be *acting* for the county, and therefore is not qualified to be an *ex-officio* Guardian, unless he has qualified himself to act as a justice by taking the requisite oaths. 3 Off. Cir. 110.

It has been considered that the 5 & 6 Vict. c. 57, s. 14, applies to *ex-officio* equally as to elected Guardians, so that no paid officer can act as *ex-officio* Guardian. 5 Off. Cir. 96, but it cannot be held that he is not an *ex-officio* Guardian.

#### IV. THE MODE OF ELECTION.

As already noticed, the Poor Law Amendment Act of 1834 having required that the votes shall be given or taken in writing, conferred upon the Poor Law Commissioners the duty of determining the manner in which they shall be so given or taken, collected and returned: this in effect is the determining the mode of election.

The Commissioners accordingly, by various orders issued singly to different Unions and Parishes, prescribed the mode. It is of no avail to refer to those provisions, as they were all rescinded by the General Orders issued in 1845, and afterwards introduced into the Consolidated Order prefixed to this essay, and cannot now be of any practical importance. But as the details of the former orders are



for the most part embodied in that General Order, the construction which has been put upon those orders may be properly considered as an assistance to the comprehension of the present orders.

Now the scheme of the orders is as follows:—The Clerk to the Board of Guardians on a certain day is to give a public notice of the forthcoming election in every Parish in the Union, with requisite information as to the proceedings thereat. Nominations of candidates are to be received by him on or before a particular day in a specified form, and a list is to be made out and published by him. If no greater number of candidates be then nominated than are required for the particular Parish, the persons so nominated, if he find them duly qualified, will be the Guardians for the Parish during the ensuing year.

If more than the proper number of Guardians be proposed, a contest must take place, unless the supernumerary nominees give notice of a refusal to act as Guardians. In that event they are to be withdrawn from the contest, and the residue may be returned as the elected Guardians.

If, however, a sufficient number of candidates not withdrawing, a contest must take place, the Clerk must prepare a list of the nominators of those candidates, to be suspended in the Board-room, and on a certain day send voting papers, according to the form prescribed by the Commissioners, to the voters in the Parish, to be filled up by such voters according to the directions given therein. Two days afterwards these voting papers are to be collected by persons previously appointed. Provision is made to enable persons, who have not had the papers delivered to them or collected from them, to vote, and to secure the attendance of agents to accompany the collectors of the voting papers.

The voting papers having been collected and delivered to the Clerk, he is on a certain day to attend at the Board Room of the Guardians and cast up the votes, and having ascertained the majority, to certify the same and summon the Guardians so elected, to attend the meeting of the new Board.

The Clerk is required to make out a general return of the

result of the election in a form which is prescribed, copies whereof are to be sent to the Overseers of the several Parishes to be published therein.

The nomination and voting papers are to be delivered to the Board of Guardians to be preserved for a certain time, and to be open to inspection of persons interested.

To enable the Clerk to conduct this election by the supply of the requisite information, the Overseers are required by the order, before the 26th day of March, to distinguish in the rate book the names of the ratepayers who are qualified at that time ; and it has already been shown that a register is required by the statutes to be kept of the owners and proxies, which is also to be produced to him.

Although complaints have been made in particular cases of this mode of election, it works well in general, and no more satisfactory scheme has been devised, although some slight amendments have been made by the General Order lately issued. The plan has been adopted in the election of the members of Local Boards, and has been recommended to the House of Lords for the election of members of Parliament.

It will be convenient to notice the days on which the several acts in the election are to be performed.

The 4 & 5 Will. 4, c. 76, s. 38, required that the election should take place within fourteen days after the 25th day of March ; but as this period was too short for all the steps of the election, the 7 & 8 Vict. c. 101, s. 17, has extended the period for forty days from the 25th of March.

The dates are now as follows :—

The rate book is to be made up before the .. ..	26th of March.
The Clerk is to give notice of election on or before the ..	15th of March.
Nomination papers are to be sent on or before the ..	26th of March.
Voting papers are to be delivered on the .. ..	5th of April.
" " to be collected .. ..	7th of April.
Votes are to be cast up on the .. ..	9th of April.

If any of these days be Good Friday or a Sunday, the act shall be performed on the day following ; and each subsequent proceeding shall be postponed one day.

*Elections are made for Parishes.*

The elections of Guardians were made under the Poor Law Amendment Act for *Parishes*, by which was then meant places maintaining their own poor separately, but now, all places for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed, (29 & 30 Vict. c. 113, s. 18,) it being required by the former Act, in s. 38, that one Guardian at least should be assigned to each *Parish*.

The 7 & 8 Vict. c. 101, s. 19, enabled the Poor Law Commissioners to divide large *Parishes* into *Wards*, and to determine the number of guardians to be elected for each *Ward*, and enacts that each *Ward* shall, for the purpose of such election, so far as the Commissioners may direct, be considered as a separate *Parish*. Generally, the Poor Law Commissioners when they act under this power, direct that for all the purposes of the election the *Ward* shall be considered as a separate *Parish*.

Under this provision they have divided several *Parishes* and *Townships* into *Wards*. A list of them is set out in the Appendix.

*1.—As to the Register of Voters made by the Overseers.*

The Overseers are to prepare the rate book for the election, and make out the register of Owners and Proxies as part of their official duties, without remuneration, (3 *Off. Cir.* 86,) inasmuch as the Poor Law Amendment Acts have imposed this duty upon them, but have not provided a compensation. Of course when there is an Assistant Overseer he should undertake all the manual and other labour in the matter.

The Overseers are required to make up the rate book and the register for the use of the Clerk, and therefore they are not under any obligation to afford an inspection of the latter or of the owner's claims to any other person, whether ratepayer of the *Parish*, candidate, or other party; but as regards the rate, since that must, according to the 17 Geo. 2,

c. 3, be open to the inspection of every inhabitant on demand, the Overseers who may have therein distinguished the qualified voters could not lawfully withhold the inspection if duly demanded. *Off. Cir.* No. 46, (N. S.) 23.

It is to be observed that the overseers are only to mark the names of the qualified ratepayers, and to enter the names and other particulars as to the owners and proxies. They are not to assign the number of votes to the voter. This is to be done by the Clerk.

The inspection of the register of owners and proxies is provided for as above (see p. 48) in cases of Parishes where the population exceeds *two thousand*.

This register of owners and proxies, or ratepayers, made by the Overseers, does not conclude the Clerk in respect of the qualification of voters, (2 *Off. Cir.* 230, 232,) except when the register formed under the statute, 7 & 8 Vict. c. 101, has been revised, in which case it is conclusive, so far as regards the parties not contained in it or struck out of it. If no objection have been made, so that no revision has taken place, there is nothing in the language of the statute to make it conclusive (see *Off. Cir.* No. 48, (N. S.) 56); nor to disfranchise the voters whose names are inserted in it; (*Ib.*;) nor the owners who have duly made their claims, but the same have not been entered, through the neglect, ignorance, or misconduct of the overseers. *Off. Cir.* No. 56, (N. S.) 78. But the Clerk will probably consider that it is not incumbent upon him to doubt its accuracy, and scrutinise the claims of the owners therein registered. At the same time, it does not appear that he is precluded from rejecting the votes of persons retained therein who may have lost their qualification since the revision; and in the *Off. Cir.* No. 48, (N. S.) 56, the Poor Law Board recommended the Clerk, where the register had been made for several years, and had not been revised, to require the production of the claims and statements of proxies, with the view of ascertaining whether they were correct, and continued in force, and what interest the parties possessed, so as to determine the precise number of votes to be given.

The Clerk may in other cases reject the votes of persons distinguished or entered by the Overseers, or he may admit those of persons not distinguished or entered. It will be seen that the rate books and register are only made up to a certain time, which is previous to the voting, and in the interval a qualification may be gained by the ratepayer, or that of an owner or ratepayer may be lost.

It follows, therefore, that though there be no register or no entry in the rate book, the Clerk must, nevertheless, proceed with the election. He must ascertain who are qualified as ratepayers from such information as he can obtain, and must inspect the statements of owners and appointments of proxies which have been duly delivered, and proceed to act upon the same.

And if the register which has not been revised be incorrect, he may receive evidence to set it right. 2 *Off. Cir.* 230.

The Overseers and every officer having the custody of the poor-rate books of the Parish, are bound by the general order to attend the Clerk at such times as he shall require their attendance, until the completion of the election of the Guardians, and produce the rate books and all books and papers relating to such rates in their possession or power required by him. See Art. 5.

They must also produce the statements of owners, (except where a register has been prepared in a parish containing 2000 persons,) and the appointments of proxies, to the Clerk on his requisition. *Ib.*

It is only therefore when the attendance of these officers, and the production of the documents, is required by the Clerk, that they are bound to attend and produce the same.

It may be well to notice, that if the requisition of the Clerk be wilfully neglected or disobeyed, the Overseer or other officer will be guilty of the offence of disobeying an order of the Poor Law Commissioners, and be liable to the penalties imposed by the 98th section of the Poor Law Amendment Act.

*2.—As to the Returning Officer.*

The Clerk to the Guardians is the Returning Officer.

The order makes a provision that, if the office of Clerk be vacant, or if the Clerk be unable from illness or other sufficient cause to discharge any duty relating to the duties, the Guardians shall appoint another person to perform such of the duties as then remain to be performed. It has been found requisite on several occasions for the Guardians to act upon this provision.

Not only does Art. 2 of the order impose the duty of conducting the election upon the Clerk, but the same obligation is created by No. 13 of Art. 202, which sets out the duties of the Clerk.

The Guardians are to appoint a competent number of persons to assist the Clerk in conducting the election, and may appoint such of the paid officers of the Union or Parish as may be willing and can be properly spared. Art. 215, No. 15, of the Consolidated Order, requires the Relieving Officer to assist the Clerk in conducting and completing the election.

The Commissioners have considered it improper in the Guardians to appoint *paupers* to assist the Clerk. 3 *Off. Cir.* 101.

They may make this appointment before or during the election, but it is generally advisable that they should make the appointment before the time of its commencement, when there is less risk of bias or influence in the appointment.

In some cases the Guardians may, through design or negligence, omit to appoint assistants to the Clerk for the conduct of the election; he is by Art. 3, required then to take such measures for securing the necessary assistance as he shall deem advisable.

Although the Guardians are to appoint the persons who are to assist the Clerk in the conduct of the election, it does not appear that they are to prescribe the particular duties which such assistants are to perform. This is left to the determination of the Clerk.

*3.—Notice of the Election.*

This must be given on or before the 15th of March, and must be affixed and published in the manner set out in Art. 6, page 3.

The notice which was provided in the General Consolidated Order has been altered by the recent General Order which is printed above.

It must be observed that the notice which is there set out is not prescribed absolutely, it is merely recommended for adoption, and though it will in all probability be universally followed, it must not be considered that any slight deviation from it will vitiate the election.

Strict attention must be paid to the time when the notice is to be affixed, as the validity of the whole of the elections will depend upon its being affixed in right time. So, also, it is important that the dates should be set out correctly. Where they have been stated inaccurately, it has been considered that all the elections in the Union fail. It is particularly necessary that the Clerk should ascertain whether any of the days expressly mentioned be a Sunday or Good Friday, and provide for it and those of the subsequent stages. The usual almanacks which mention these days frequently overlook this provision and mislead.

One other point in the notice requires attention, as it is more explicit than that in the first orders, namely, that a person must be appointed to receive the nomination papers for each parish. The Commissioners often expressed their opinion that such was the correct course. See 3 *Off. Cir.* 54. Some question arose whether a person must be appointed *in* the parish, but those orders did not require this, and it is obvious that in many Unions no inconvenience would be felt in the appointment of a person in a parish to receive the nominations for several adjoining parishes; the Commissioners removed all doubt by the terms of the order in Art. 8, and in the Notice of the Election.

The party nominating has, notwithstanding this provision, power to send the paper to the Clerk direct.

4.—*Nomination of the Candidates.*

Three points arise for consideration with reference to the nomination.

The *first* point is, as to the *person* who may nominate. Any owner or any ratepayer, if qualified to vote, may nominate, but unless so qualified his nomination is void. 1 *Off. Cir.* 20; 2 *Off. Cir.* 228. Hence an owner, who has not duly made his claim and sent in his statement, cannot nominate.

But an owner, though not rated, (2 *Off. Cir.* 228,) a person whether owner or ratepayer not resident in the parish, or a ratepayer to any amount, however small, may, if otherwise qualified, nominate. A ratepayer may be qualified to nominate, though he may become disqualified to vote by lapse of time. 7 *Off. Cir.* 222.

A proxy apparently cannot nominate, as he cannot fill up the nomination paper, which requires the nominator to be a ratepayer or owner duly qualified to vote.

The non-payment of a rate in one Parish in the Union, does not prevent a person from nominating as a ratepayer in another Parish in the same Union in which he has been rated and has paid his rate. 3 *Off. Cir.* 100.

But a ratepayer can only nominate a person *for* the Parish in which he is rated. 2 *Off. Cir.* 228. And the same rule prevails as regards an *owner*, in respect of the parish where his property is situated.

No one is required to nominate a candidate, and there is no obligation on the Overseers or the vestry to do so. It is not uncommon for a vestry to be summoned to select the Guardian of the Parish, and such proceeding is not objectionable; but it is wholly voluntarily, and will be of no avail unless some person duly qualified fill up and sign the nomination paper.

Where a parish is divided into Wards, the right to nominate is co-extensive with and subject to the same conditions as the right to vote, as to which see above, p. 61, and 8 *Off. Cir.* 60.

The *2nd* point is as to the *form* of the nomination paper.



This is a matter to be seriously attended to, as deviations or omissions from the form have frequently been considered by the Commissioners to be fatal.

Thus the *omission* of the name of the Union, or the Parish for which the nomination is made; of the character in which the nominator professes to act, (3 *Off. Cir.* 98,) and of the address of the nominator, (3 *Off. Cir.* 98; 8 *Off. Cir.* 164, No. 50, (N. S.) 95,) and of the date (see *Beenlen v. Hockin*, 16 L. J. R. (N. S.) C. P. 49; 7 *Off. Cir.* 85,) has been held to vitiate the nomination. 2 *Off. Cir.* 228.

So also will the omission of the residence of the person nominated.

The Commissioners have however stated, that if the *calling* of the nominee be omitted, but he can be identified in the Parish, and distinguished from all other persons by the description, the nomination is not void. (2 *Off. Cir.* 228.) But *quære*?

An *error* in the *name* of the Union, or the use of other titles, such as *occupier* or *householder*, (3 *Off. Cir.* 98; 8 *Off. Cir.* 162,) or *resident*, (4 *Off. Cir.* 55,) instead of *owner* or *ratepayer*, has been considered to be fatal; so also where the *name* of the Parish was stated erroneously, (3 *Off. Cir.* 98,) and the *christian name* of the nominee. 4 *Off. Cir.* 54.

If a parish be described so as to be well known in the Union, though not by its strictly correct appellation, the nomination should be received. Thus the parish of *Westbury*, instead of *Westbury-upon-Severn* in the Union of the latter name, was held an immaterial inaccuracy by the Poor Law Board, and their decision was upheld by the Court of Queen's Bench. *Q. v. The Poor Law Board, in re Westbury-on-Severn Union*, 4 E. & B. 314; 19 Jur. 251. See as to the parish of *Wimborne*, in the Wimborne and Cranborne Union, 7 *Off. Cir.* 85.

The entry of "landowner and occupier" would be good if the nominator be qualified as *owner*, but not otherwise. 8 *Off. Cir.* 162.

If the nominator enter both characters in the paper, and have both characters, the nomination is good. If he have

only one character the Poor Law Commissioners considered that the nomination was bad for uncertainty. 4 *Off. Cir.* 70. They changed the form of the paper in their General Consolidated Order, and expected that it was so distinct that no mistake in this respect could arise. But partly from inadvertence, and partly from the use of forms previously framed, the same mistake has since frequently occurred. The Poor Law Board have reconsidered the point, and have now come to the decision that, according to the maxim, *res acta valeat majus quam pereat*, it is more correct to hold that, if the nominator use two characters and have one good, the nomination shall be deemed to be made in respect of that which is good, and therefore shall not be invalidated on the ground of his having added another, which he had not.

If a voter nominate as *owner*, and is not qualified to vote as such, his nomination fails, though he would have been qualified to nominate as *ratepayer*, but did not assume to act in this character 7 *Off. Cir.* 222.

The Commissioners, however, considered generally that a variance not affecting the meaning or the substance of the form, is not material. 2 *Off. Cir.* 228.

Thus, if the name of the Parish be not inserted in the commencement of the paper, but appear in the body, it will suffice. 3 *Off. Cir.* 99, No. 50, (N. S.) 95. So a wrong date in respect of the year, as 1844 for 1843. 3 *Off. Cir.* 98. But the Court of Common Pleas held that a notice of objection to a Parliamentary Voter, dated of the day and month, but without the year, was insufficient. *Beenlen v. Hockin*, 4 Mann. G. & S. 19; S. C. 16 L. J. R. (C. P.) 49.

In regard to the names of the nominator and nominee, it is to be noticed, that if abbreviations of the christian name be used, such, however, as that their signification can readily be understood, and the parties intended can be identified, the paper is valid. 4 *Off. Cir.* 54; 8 *Off. Cir.* 162. *Q. v. Avery*, 17 Jur. 272. A single letter such as W. is not enough, but *Wm.* or *Willm.*, is sufficient. *Reg. v. Bradley*, 3 L. T. 853; 7 Jur. (N. S.) 757; 18 Q. B. 576. It had, however, been held by the Court of Queen's Bench, in the case of

*Q. v. Avery*, and in *Q. v. Mayor of Hartlepool*, 15 Jur. 1158; 21 L. J. R. (Q. B.) 71; in questions arising out of the Municipal Corporation Registration, that mere initials for the christian name will suffice; but in those cases the christian name was not required to be set out. Where the nominator omitted his second christian name, but gave his first, the nomination was held valid. 4 *Off. Cir.* 54.

Where there are several persons in the Parish of the same name as that of the nominator or nominee, and the paper does not show which is intended, the Clerk must ascertain this intention by parol evidence.

A statement in the column for the nominee's residence of his place of business, was held by the Commissioners to be sufficient. See 4 *Off. Cir.* 54. But it must be noticed that the Court of Q. B. decided that the place of *abode* in a burgess voting paper was not properly set forth by the name of the place of business. *Q. v. Hammond*, 17 Q. B. 772. *Q. v. Deighton*, 5 Q. B. 896. See also, as to the Parliamentary registration, *Luckett v. Knowles*, 2 C. B. 187. *Allen v. Greensill*, 4 C. B. 100, where the decision was to the same effect.

The address is sufficient, both in reference to the nominee and the nominator, though no name of the Parish or Township be given. 3 *Off. Cir.* 98; 4 *Off. Cir.* 54. See also *Gadsby v. Warburton*, 9 Jur. 17; S. C. 7 Mann. Gr. & S. 11.

If the name of the street be given it should be stated correctly, but with reference to the description of the house, according to the proper street, see *Q. v. Gregory*, 1 El. & B. 600; 22 L. J. R. (Q. B.) 120; 17 Jur. 275.

The insertion of more names than the proper number of Guardians, renders the whole paper void for uncertainty; (2 *Off. Cir.* 228; 6 *Off. Cir.* 52; 8 *Off. Cir.* 164;) and it would seem to make no difference in this respect, though there be a disqualified person whose removal would reduce the nominees to the correct number.

The nominator must himself sign, and not by agent or deputy; and as he must sign his name, no person who cannot write his name can nominate. 4 *Off. Cir.* 54, 71. This opinion has been reconsidered, and the Board have since held that, if there be a mark for the nominator's name, and

<sup>t</sup>his be duly attested by a witness, the nomination will be valid. 8 *Off. Cir.* 164.

Again, the paper may be filled up in pencil, and if legible, will be valid.

It must be noticed, that only one person is to sign the nomination paper. See Art. 9.

If an informal nomination, or a nomination of a disqualified person, be sent by any person, he may afterwards, within the proper time, send another nomination. And accordingly, if several nominations are sent by the same person, all of which are void but one, this is to be acted upon. But a valid nomination cannot be withdrawn and another substituted. *Off. Cir.* No. 53 (N. S.) 24.

It may be remarked here, that though the first election orders rendered it necessary for the Clerk to have nomination papers prepared for the use of persons who might apply for them, such necessity is removed by the notice of election which gives the form, so that it is quite optional with him whether he will provide them or not. If he do provide them he is not required to supply them gratuitously. Neither are the Overseers bound to supply them.

The 3rd point is as to the *sending* of the nomination paper.

The order requires that it shall be sent to the Clerk, or to the person appointed to receive the same, after the 14th and on or before the 26th day of March; in case that day should be a *Sunday* or *Good Friday*, it may be sent on the 27th.

In either of these events, the paper will be available, though sent to or received by the Clerk on *Sunday* or *Good Friday* (4 *Off. Cir.* 55). This was held by the Court of Queen's Bench, confirming an order of the Poor Law Board to that effect in the case of *Q. v. The Poor Law Board, in re The Westbury-upon-Severn Union*, 4 E. & B. 314; 19 Jur. 251 and see *Rawlins v. The Overseers of West Derby*, 10 Jur. 268; 15 L. J. R. (C. P.) 70.

The delivery to a person appointed to receive the papers for another Parish, is insufficient. 4 *Off. Cir.* 55.

Art. 27 provides for the delivery to the successor of the Clerk, in case of his death or default.

If the Clerk actually receive the paper on or before the appointed day, it is immaterial how it is sent; but if this be not the case, still the sending of the paper to him by post must, perhaps, be considered to be sufficient, if by the ordinary course of the post it ought to have reached him in time. See *Q. v. Slawstone*, 16 Jur. 1066; S. C. 21 L. J. R. (M. C.) 145. *Bishop v. Helps*, 2 C. B. 45. *Smith, appellant, Haggett, respondent*, 5 L. T. (N. S.) 425.

Where the paper is sent to the person appointed in the Parish to receive it in proper time, the nomination is valid, though that person does not forthwith transmit or deliver it to the Clerk. (2 *Off. Cir.* 228, No. 50, (N. S.) 95. It will be seen that the order contains no direction on this point.

As heretofore much inconvenience arose from the anxiety of parties to secure an early delivery of the nomination papers, so that the Clerk was often disturbed even in the nighttime by their attempts, the Poor Law Board have laid down a distinct rule in their new general order. Henceforth no nomination paper delivered, except through the post, to the Clerk or to the person appointed to receive it, or at the office, address, or residence of such Clerk or other person, before the hour of 9 o'clock in the *morning*, or after the hour of 8 o'clock in the evening, shall be *valid*.

This will restrain the proceedings of those persons who interrupted the rest of the Clerk by the delivery of the papers. No alteration has been made in respect of the delivery of the post, because that is an orderly and regular delivery, and will not cause disturbance or confusion.

Several places are mentioned in reference to the delivery, but these are to be regarded according to the notice of election.

When the Clerk received the nomination papers, he was not obliged to communicate their contents, or show them to any person whatever, though the Commissioners considered him to be justified in notifying to parties nominated the fact of their having been nominated. 4 *Off. Cir.* 74. This will be superfluous hereafter in consequence of the new

regulation. He is not required to point out to the nominator or nominee any error or inaccuracy in the paper, or the disqualification of any party nominated therein. But he may do so if he think fit. 9 *Off. Cir.* 22.

It is expressly provided in Art. 9, that no nomination sent *before* the 15th, or *after* the 26th day of March shall be valid.

#### 5.—*Refusal of Nominee to act.*

It was continually laid down by the Commissioners, that when a person had been nominated, the nomination paper could not be withdrawn by any party, either to prevent the nominee from being elected, or to prevent a contest, or to substitute another person, and that principle still prevails. 4 *Off. Cir.* 55, 74.

But the 5 & 6 Vict. c. 57, s. 9, enacted, "that if any person put in nomination for the office of Guardian, tender to the officer conducting the election of Guardians his refusal in *writing* to serve such office, the election of Guardians, so far as regards such person, shall be no further proceeded with."

This gives the nominee who has been duly nominated full power at any time to withdraw from the election, and it is therefore highly desirable that the refusal should be tendered at the earliest possible period.

A provisional refusal to serve by a person actually nominated at the time is good, though he was not aware of his nomination. 6 *Off. Cir.* 103.

If there be no contest the election is concluded by the nomination, and a refusal to serve tendered after the 26th of March is too late. 7 *Off. Cir.* 222. The party must then resign (3 *Off. Cir.* 109), as to which see *post*. In cases which have come before the Poor Law Board they have expressed their opinion that the party nominated may send his refusal to act at any time *on* the 26th day of March, which is the last day for receiving nomination papers, although no other person be nominated, and the nomination paper have been received before the notice is served.

The refusal must be in writing, consequently a verbal denial is not available, and the party must, in distinct language, refuse to serve the office. It is therefore advisable that no terms, other than a simple refusal to serve the office, should be used. The following form is perhaps unobjectionable:—

“ To ———, Clerk to the Guardians of the ——— Union, being the officer conducting the election of Guardians of the Poor in the *Parish* of ———.

“ I, the undersigned, having been nominated as a Guardian of the poor for the *Parish* of ———, in the ——— Union, for the ensuing year, do hereby give you notice that I refuse to serve such office.

“ Signed this ——— day of ———, 18—.

“ A. B. of ———.”

A refusal to serve, once given, cannot be recalled or withdrawn, 6 *Off. Cir.* 104. 9 *Off. Cir.* 21. If there be several candidates more than the requisite number, and the supernumerary candidates refuse after the 26th of March, no other candidates' refusal will avail, as the election will be then concluded.

If a person be nominated for two parishes and tender his refusal to serve as Guardian for one, his election must proceed in respect of the other. 3 *Off. Cir.* 99.

Care must be taken that it be tendered to the proper party, namely, “ the person conducting the election.”

A candidate wrote on his voting paper that he was unwilling to serve, and this was considered by the Commissioners not to be a proper refusal within the statute. 3 *Off. Cir.* 119. The Board considered the following notes sufficient refusals:—“ J. T. declines being nominated as a Guardian for the ensuing year.” “ Should my name appear on any nomination papers for the new Board of Guardians, I will thank you to write—*Objects to serve*, as it is not my intention to be a Guardian for this year, at least. I am, &c., G. B.” 7 *Off. Cir.* 135.

“ Sir,—I request you to withdraw my name from the

list of nominated Guardians for B. By so doing you will oblige. H. R."—Held, a sufficient refusal. 7 *Off. Cir.* 222.

The refusal to serve, if given *before the return* is complete, has been considered by the Commissioners to have the effect of removing the party wholly from the election, and consequently that the candidate next on the poll must take the place of the person so declining to serve. 3 *Off. Cir.* 55, 109.

The opinion here expressed as to the time for refusal being open until the completion of the return was qualified by the Poor Law Board in their decision, set forth in the *Off. Cir.* No. 49, (N. S.) 68, where they held that a Guardian is elected as soon as it is ascertained that he has a majority of votes, and therefore, although the Clerk had not made out his return, a refusal to serve sent in after that fact had been ascertained was too late. In a subsequent case the Board have had to consider the effect of the actual closing of the poll by the entire collection of the voting papers, and have held that it is too late to serve a notice of refusal to act, at the time when the Clerk is about to cast up the voting papers. In such a case the voters who had voted for the successful candidate in place of others would have been misled, for they could not have been said to have wilfully thrown away their votes. It also appeared to be analogous to Parliamentary and similar elections, in which cases a resignation after the close of the poll is not known.

A refusal after the return is made, as already noticed, is ineffectual with reference to the candidate where there is no contest. It is also of no avail in the case of a contest, and does not let in the candidate next on the poll. 3 *Off. Cir.* 109.

If it be given before the voting papers are sent out, and thereby the number of candidates is equal to or less than the proper number for the Parish, the voting papers must not be sent out. 3 *Off. Cir.* 55.



*6.—Conduct of the Clerk on Receipt of Nomination Papers.*

Upon the receipt of the nomination papers, they must be numbered and dated according to the order of the receipt.

The exact time of the receipt should be marked, as by Art. 10, the nominations are to be inserted in the voting paper, in the order in which they are received ; and as some may be sent to the Clerk, and others to the persons appointed in the Parish to receive them, the exact order of the receipt may not be known, unless the hour of the receipt be specified on each paper which is delivered.

The Clerk must examine all the nomination papers, and reject those which he finds to be void. So, if he has reason to believe any nomination paper to be forged, and after using his best endeavours to ascertain the fact, comes to that conclusion, he should reject it. 6 *Off. Cir.* 87. Though he cannot summon witnesses he can resort to many means to obtain correct information on the subject.

He is also to satisfy himself as to the qualification of the parties nominating, (2 *Off. Cir.* 228,) and of the parties nominated.

A new provision has been here introduced by the recent order of the Board. As soon as practicable, that is as soon as the Clerk has thus satisfied himself in regard to the validity of the papers, he is to make out two lists containing the names and residences of the persons nominated for the several Parishes in the Union, or for the Parish or for the several wards of a Parish. One list is to be suspended in the Board-room of the Guardians, and the other is to be affixed to the principal external door of the workhouse, if any, and where there are several workhouses, of that which contains the Board-room, or is situated nearest to it.

By this notice persons will learn who has been nominated at once, and can act accordingly ; but the names of the nominators are not required to be set forth in this list.

The Clerk should authenticate the list by affixing a date to it, and signing it with his name.

If no more persons be nominated than the requisite number, the election is virtually concluded.

So, if, though more than the exact number be nominated, the supernumerary persons be disqualified, or tender a refusal to act, it is concluded.

A supernumerary candidate, who is not qualified, does not cause a contest. Therefore, it is only where there are supernumerary candidates who are qualified, and where consequently a contest must take place, that the Clerk is to notice under Art. 12, the candidates whom he may consider to be disqualified.

It may be well to notice that the Clerk, as the Returning Officer, cannot be controlled in this matter either by the Guardians of the Union, the Vestry of the Parish, or by any other party; he must exercise his own judgment to the best of his ability.

Although the Clerk shall find the same person nominated for two parishes, he must, nevertheless, proceed as though different persons were nominated for them.

But where the Parish is divided into Wards, it is provided by the 7 & 8 Vict. c. 101, s. 20, that, "if a person be nominated in two or more Wards, the Returning Officer shall, if such person reside within the Parish, give notice thereof in writing, to be left at his place of residence on the day following the last day fixed for the nomination of candidates (*i. e.* on the 27th of March); and such person, whether he reside in the Parish or not, may, at any time, until two days preceding the issuing of the voting papers, *elect*, by notice in writing delivered to the Returning Officer, any one Ward for which he will stand an election, and if he do not so elect some one Ward, the Returning Officer shall place his name on the list of candidates for that Ward only for which he was first duly nominated."

In the list above referred to the clerk must enter the name of the person against all the Wards for which the candidate is nominated.

*7.—Issuing of the Voting Papers, and their Collection.*

If more persons be nominated than the requisite number, and the surplus cannot be reduced on the ground of disqualification or refusal to serve, a contest arises, and voting papers must be sent out.

But a preliminary proceeding is required by the order recently issued.

The Clerk must, as soon as practicable, make out a list in writing of the candidates, and the names and addresses of the several nominators of them, and keep this list open in the Board-room of the Guardians until the close of the election.

This he must do as soon as he has satisfied himself of the validity of the papers, the qualification of the nominators and of the candidates.

He is not controlled as to the mode of making out this list, though the name of every nominator must appear against the name of every candidate whom he nominates.

He should verify the list by his signature, and should date it.

It will be observed that this list is only to be suspended in the Board-room, and the order does not require it to be published in any other manner.

Every person entitled to vote in the election for the particular parish, may apply at the room during any day after the list shall have been made out, except when the Guardians are holding their meeting, between nine o'clock in the morning and eight o'clock in the evening, for an inspection of the list, and may copy the same or any part of it.

This provision has been introduced to remove the necessity of publishing in the voting papers the names of all the nominators, which had led to much abuse and inconvenience.

Care will be taken by the Guardians to enable the Clerk to prevent the list from being destroyed or injured, by providing a convenient frame in which the list may be suspended. If this be wilfully damaged, the person guilty of

such offence will be liable to punishment, probably on a summary conviction.

This list is confined to the cases of contested elections; the previous list applies to all the Parishes in the Union.

*As to the filling up of the Voting Papers by the Clerk.*

The Clerk must fill up these papers from the rate-books and the registers, but if the latter be wanting he must ascertain, as well as he can, who are qualified to vote, as the omission to make up the register does not affect the right to vote. 2 *U. Y. B.* 11. See *ante*, p. 80.

On the other hand, the Clerk may insist upon seeing the statements of owners and appointments of proxies before he sends out the voting papers. 3 *Off. Cir.* 101. See *ante*, p. 81.

The form of the voting paper is given by the Commissioners, and must be strictly followed; though a variance, not deviating in substance or effect, might possibly not vitiate the election.

Under the first orders the Clerk was advised that the names of the candidates might be arranged in the voting papers according to the order of receipt, or alphabetically, or in any preferable manner. (4 *Off. Cir.* 56.) But the Consolidated Order required them to be arranged according to the order of their receipt. This was frequently a matter of much trouble, owing to the practice of nominating persons in batches, and varying the names of the nominees in such batches, and the names of the nominators. This will be avoided for the future, as the last order has dispensed with the insertion of the names of the nominators in the voting papers.

The omission, however, of the name of any nominee would render the voting paper void. *Q. v. Lofthouse*, 1 *Law R.* 433.

The voting papers are to be addressed to the persons qualified to vote at the time when the Clerk sends them out, (1 *Off. Cir.* 21); these he will ascertain from the rate books and the registers of owners and proxies produced to him by the Overseers.

Where a firm is rated, the Clerk is only required to address the voting paper to the party whose name appears on the rate. 3 *Off. Cir.* 103; 8 *Off. Cir.* 60.

Where a Company is rated by the corporate or *quasi* corporate name no voting paper can be sent. But if the Company be rated in the name of an individual, it seems that a voting paper may be addressed to him. 9 *Off. Cir.* 22. See *ante*, p. 58.

The Clerk is not, however, concluded by these books or registers, (7 *Off. Cir.* 135,) though the Commissioners considered that the Legislature intended that where no objections were made, and consequently no revision took place, it was to be assumed that the parties who appeared in the book were duly qualified when registered. *Ib.* See *ante*, p. 51.

He may omit ratepayers appearing by the rate book to be qualified, or may admit others who do not appear therein to be qualified, according as evidence independent thereof may be supplied to him.

In regard to the registers, where they have been revised under the provisions of the 7 & 8 Vict. c. 101, s. 15, the names therein returned as owners are the only persons entitled to vote as such owners; but this, it is presumed, must be understood to be subject to their retaining their qualification. If that be lost, the Clerk would not be controlled in this respect by the register.

Where there is no register, or where it has not been revised, the Clerk may send voting papers to persons who satisfy him that they have duly sent in their claims to vote as owners. In such cases, however, he must exercise great caution.

Some doubt was formerly felt whether, where a party was qualified as owner and as ratepayer, separate voting papers were to be sent to such party. But by the form of voting paper set out in the order, this point is settled, and one paper only is to be delivered.

The Clerk is to fill in the number, the name, and address of the voter, and the number of votes, (2 *Off. Cir.* 230); but any error in his doing so will not vitiate the election.

*Ib.* And the Court of Queen's Bench so decided in the case of an election of members of a local board. *Q. v. Lofthouse*, 1 L. Rep. 433. An error in the number of the votes assigned by him in the paper can be rectified at the casting up of the votes. 7 *Off. Cir.* 86.

In Wards the Clerk must give the due number of votes according to the notice of the voter, if any, and in default of notice, the whole are to be given to the Ward of the residence. 7 & 8 Vict. c. 101, s. 21.

It has also been considered that the Clerk is not concluded by the delivery of a voting paper to a person afterwards ascertained not to be qualified.

In regard to the *address* the Board have stated that it applies, not only to the place of residence or place of business which the voter may have within the parish, but also to any place of address which he may specially appoint therein, in the event of his having no residence or place of business therein. 8 *Off. Cir.* 59; 6 *Off. Cir.* 87.

Where the election is in Wards the paper must be directed to the *residence*, because the voter, according to the 7 & 8 Vict. c. 101, s. 21, must vote in the Ward wherein he *resides*, and a place of business is not sufficient if it be not the residence. See 6 *Off. Cir.* 103, where *Q. v. Deighton*, 5 Ad. & El. (N. S.) 896, is referred to, and *ante*, p. 61. And though he may give notice of the Ward in which he will vote, such notice will not, as it seems, operate to give an address for the voting papers.

#### *As to the Delivery of the Voting Papers.*

When the Clerk has properly filled up the voting papers he must deliver them to the persons duly appointed for the delivery of those papers. It is customary to deliver the voting papers open, and as no directions are given for any other course to be pursued, the Clerk cannot be expected to adopt it. Nevertheless, there is nothing which would prevent the Clerk from enclosing every such paper in a sealed envelope, and addressing the same to the voter, and thus

causing the delivery to take place. The paper, however, must be delivered by the person duly appointed; and though, as far as the voter is concerned, it is of no importance who actually delivers it, yet, as there is much difficulty in dealing with all election questions unless the utmost regularity be pursued therein, it is most undesirable that any deviation from the strict course should be allowed in this instance, and consequently Art. 18, *ante*, p. 5, prevents a voting paper from being received which shall not have been delivered at the address in the Parish of the voter by the person appointed for the purpose.

It will be observed that it is to be delivered to the *address* in such Parish of each ratepayer, owner, and proxy qualified to vote therein. Art. 18.

Where a Parish is divided into Wards, under 7 & 8 Vict. c. 101, s. 21, the voter may, as already noticed, give notice of the Ward in which he will vote, and the delivery should be in that Ward, if practicable; in default of such notice he shall not vote for any Ward in which he does not *reside*, and the voting paper should be delivered at his residence.

It is not requisite that the paper should be delivered out of the Parish, (1 *Off. Cir.* 21,) nor, under the order, is it correct that this should be done. See Art. 18.

The omission to deliver in individual cases is provided for in Art. 19, (see *ante*, p. 6,) as every person qualified to vote, who shall not have received a voting paper, may, on application to the Clerk at his office, before the 8th day of April, receive one, and fill it up and deliver it to the Clerk.

This regulation provides, therefore, for the omission to deliver to voters *out of the parish*.

But it is only the person who ought to have received the voting paper on the 6th, that can require the Clerk to supply him with one before the 8th; therefore, if a party were disqualified on the former day, he will not become entitled to vote by becoming qualified on that or the following day. See 3 *Off. Cir.* 102.

It is no answer to this application to say that the Clerk delivered the paper to the person employed to deliver, if no

delivery, in fact, took place. But if the paper was duly delivered, and lost at the voter's abode, he is not within the terms of this article.

Where there is an omission to deliver the voting papers to a large body of voters, through fraud or gross negligence, the election would doubtless be held to be avoided. But as there is the provision above noticed for individual omissions, the Commissioners have considered that the omission in several instances did not avoid the election in some cases brought before them, where it was clear that such omission did not affect the decision of the election.

If the omission did affect the decision, but arose from accident, or from some cause which cannot be legally justified, but *bond fide*, the point as to the avoidance of the election, is open to question.

Complaints are often made as to defaults in the delivery of the voting papers. There is occasionally ground for these complaints arising sometimes out of the above causes. The Legislature have enacted penal clauses to prevent some of the misconduct which has occurred, and these provisions will be found in a subsequent part of this work.

But the Poor Law Board in their recent general order have introduced another protection. They have required that if any person nominated, or any person on his behalf, give at least one clear day's notice in writing to the Clerk before the delivery or collection of the voting papers, of an intention to send some agent to accompany each or any deliverer or collector of the voting papers, the clerk shall make suitable arrangements to enable such agent to accompany each person appointed to deliver or collect the papers accordingly.

The notice may be given at any time before the delivery or collection of the papers, so that there be at least the interval mentioned in the article.

Without specifying all the arrangements, it seems that the Clerk should give the names and addresses of the persons to be employed, the districts assigned to each, and the times of starting upon the work, to the person who signed the notice.



Whether he will think it necessary to prescribe the route to be taken is a question which he may probably consider.

*As to the filling up of the Voting Papers by the Voter.*

The voting paper contains very distinct directions as to its being filled up by the voter, and these must be accurately attended to. The Commissioners have considered that in this part of the election there is the greatest risk of improper practices, and have therefore advised the Clerks to be most strict in exacting precise obedience to the requisites contained in the order and the paper. See *Reg. v. Tart*, 5 Jur. (N. S.) 679; 1 E. & E. 618, as to the importance of a due signing of a burgess voting paper.

Thus, the voter, whether owner, ratepayer, or proxy, who can write, must not employ his wife, or any other agent, to sign the paper for him (2 *Off. Cir.* 230; 7 *Off. Cir.* 135); nor to place his initials against the names of the selected candidates. *Ib.* And this remark applies, though the voter being a ratepayer, do not reside in the parish. 6 *Off. Cir.* 87. The new form of voting paper refers specially to the signature of the wife for her husband.

If not signed, or not fully signed, it is void. So, if the signature be in the name of a firm, as *A. & Co.* 4 *Off. Cir.* 56, as to which, see the direction in the voting paper.

The signature by a voter of his christian name abbreviated is sufficient. See p. 86, *ante*.

The initials of the voter against the names of the candidates may be affixed at different times, and may be in Roman characters. 3 *Off. Cir.* 105.

Though signing the name in full, instead of the initials of the voter against the names of the candidates, would probably be sufficient, such writing will not supply the place of the signature at the foot. 3 *Off. Cir.* 103. See the above cited case of *Reg. v. Tart*.

The writing of the voter's name against the candidates intended to be selected, and the initials against the others, rendered the voting paper void. *Id.* 105.

Where there are persons entitled jointly, there must be separate voting papers. 4 *Off. Cir.* 57. Consequently the signature by the name of a firm would be insufficient. *Ib.* See the new form of voting paper.

A marksman's mark may be attested by any person who can write; and therefore the attestation by the deliverer of the voting paper would not destroy the vote.

But it is very inexpedient that the persons engaged in the delivery or collection of the voting papers should interfere at all in the election, and therefore the Poor Law Board discourage their attesting the execution of these voting papers.

It may be right to observe, that the initials of the voter who makes his mark must be made by the person who attests the mark itself. In former orders it was considered that the witness was to write his own initials; but the order is now distinct, and he is to write those of the voter. See Art. 15.

Some difficulty existed previously as to the proxy's voting, but the order now seems to be clear. He is required to sign his own name, and write his own initials; and add the name of the party for whom he is proxy. Art. 14. If he omit any of these particulars, the voting paper is void. 2 *Off. Cir.* 230.

If there be any defect in the filling up of the voting paper, it cannot be cured after it has been *received by the party appointed to collect it*. Nor in such case can the voter claim on application to the Clerk to fill up and deliver another paper.

As to the malpractices in respect of the filling up the voting papers, the provisions of the statutes set out in the sections hereafter should be referred to.

#### *As to the Collection of the Voting Papers.*

The voting papers can only be collected by the person appointed, and this is a matter of importance to the voter, as, if he deliver his paper to the wrong person, the

vote will be lost. 2 *Off. Cir.* 230. This is pointed out in the paper.

The omission of the Collector to call for and collect the voting paper is provided for by Art. 20, which see above, in page 6. This provision, however, only applies where the paper was in the first place *duly delivered*, and, in the second place, where it was not collected through *the default* of the Clerk or the Collector.

The Poor Law Commissioners intended not to supply omissions caused by the neglect of the voter to deliver his voting paper, or leave it for the Collector at the proper time and place, but only to provide for the default of the Clerk or Collector.

In regard to what constitutes a *default* it may be noticed that, where a Collector called for a paper at an unreasonable time of the day, and it was not ready for him, the omission was considered by the Commissioners to be a default on his part.

On the other hand, where the call at the voter's office, though early, was not at a time before the usual hours of business, and the office being closed, the paper was not collected, the Collector was not considered to be in default, and consequently the voter was not entitled to deliver his voting paper to the Clerk on the subsequent day. It will be seen that in the new form of voting paper the hours within which the collection is to be made are specified.

A new provision is now contained in the voting paper, which enables the voter to deliver his paper enclosed in a sealed envelope, or place it himself in the box.

The Collector having collected the papers is now required to deliver them to the Clerk on the day of collecting them.

In regard to the omission to collect many voting papers, perhaps the same doctrine would prevail in regard to the result of the election, as already noticed in reference to the omission to deliver them. See p. 100.

As complaints have been made with reference to the delivery of the voting papers, so they have also been made with reference to the collection. It is somewhat difficult to avoid fraud or malpractices in this mode of election; but the ad-

vantages which result from it in other respects are considered to be a great equivalent to the objection. Some of the defaults arising out of the collection will be obviated by the new provision which has been made by the Poor Law Board, which requires the Guardians to provide for the use of the collector a box or bag, having a small opening for the reception of the papers which is to be delivered by the Clerk to such person *locked*. Into this box or bag the collector or the voter is to deposit the paper through the opening, and the Collector is to deliver the box or bag to the Clerk on the day of collecting the papers, and the Clerk is to open the same at the casting up of the votes and *not before*.

Henceforth the Collector must not collect the papers in loose bundles, and will not be justified in carrying about to his own home or to other places, and keeping them in his possession until he thinks proper to deliver them to the Clerk. He will have no opportunity of examining them or tampering with them, and they will not be exposed to the accidents whereby it has been alleged that they have been lost, disarranged, or improperly dealt with in the Clerk's office.

Moreover, he may be accompanied by the agents of the candidates, to watch his conduct.

The Clerk must keep the key of the box, and will of course be responsible for the safe custody of the papers after return of the box to him. He will therefore deem it right to use all due care to see that the box or bag is so locked as to prevent its being tampered with, before it is delivered to the collector,

### 8.—*Casting up of the Votes.*

The voting papers having been all collected, and those, where there had been an omission to deliver or collect, duly signed and received by the Clerk, he must proceed on the appointed day, *i. e.* the 9th day of April, to open the boxes or bags, and cast up the votes, and ascertain what candidate has the majority.

And here it is right to notice that if there be any error

in the voting papers, as for instance, an error in the name of the candidate, which is not calculated to mislead, the election will not be avoided. The name of *Tooly* was printed for *Tooby*, and the error was considered by the Commissioners to be of no importance. 3 *Off. Cir.* 103.

The Clerk is to attend at the Board Room of the Guardians, see Art. 21; and by the new order he is required to allow each candidate or some person on his behalf, to be present at the casting up of the votes.

The Clerk must, however, exercise his judgment as to allowing persons to give or tender evidence on questions as to the validity of any votes, or to address him on the subject, (2 *Off. Cir.* 226,) as the orders are silent upon this point.

He can at this stage require the Overseers or other officers to produce before him the rate-books and the registers of voters, and the statements of owners and proxies; and if this requisition be wilfully neglected, those officers will be subject to penalties for disobedience of the orders of the Commissioners, under sect. 98 of the Poor Law Amendment Act, as already noticed, page 81.

The Clerk is to ascertain the validity of the votes, and, consequently, at this stage must determine the qualification of any voter upon whose right any question arises, 2 *Off. Cir.* 232, and whether the directions of the Commissioners have been duly complied with. See 4 & 5 Will. 4, c. 76, s. 40.

The Clerk cannot, however, compel the attendance of witnesses, to determine any point arising on this investigation.

If witnesses do attend, he may hear what they can state, but cannot administer an oath to them, and is not bound to hear them. If he refuse to hear them he will be required to explain the cause, and may incur blame for his conduct. He is required by the last order, (Art. 8,) if he reject any voting paper, to mark thereon the fact of its rejection, and to declare the ground of such rejection, if required to do so, by any person whose voting paper shall be rejected.

It will be noticed that the Clerk is not required to make

this declaration upon the application of any person other than the voter.

Not only is the Clerk to ascertain the number of votes given for the respective candidates according to the scale set out in p. 64, above, but he is empowered, at this stage, also to investigate the qualification of the candidates, as Art. 22 requires that the candidates who, *being duly qualified*, obtain the majority, shall be returned as the elected Guardians for the Parish.

Whether any defect in the nomination could be taken at this stage was questionable upon the former orders, but it seems that now the only inquiry which the Clerk is to make is as to the number of votes duly given, and the due *qualification* of the voters and candidates.

He is bound to exercise his judgment on all the questions that arise, and decide accordingly. He must not return persons whom he considers to be disqualified, or not to have been elected by a legal majority, in order that the Commissioners may decide any question under the 5 & 6 Vict. c. 57, s. 8, (*4 Off. Cir.* 164); and though a protest against the result of the election be presented to him, he is nevertheless to make such return as he deems legal under all the circumstances. *7 Off. Cir.* 87.

At the close of the casting up of the votes the Clerk is to declare the number of votes allowed to every candidate. Art. 8 of the General Order of January, 1867.

It will be observed, that the persons who shall have had the greatest number of votes, are to be deemed to be the elected Guardians; consequently, when the votes of those who have the greatest number are equal, the election fails. *2 Off. Cir.* 232.

If several Guardians are to be elected, and the equality applies to the two or more who would complete the requisite number, the election only fails as to these last. As, if four Guardians are to be elected, and there are six candidates, of whom Nos. 4 and 5 are equal, the first three will be duly elected; but there will be no election of the fourth Guardian. Any equality among candidates who have a majority over others, who must be returned, or among candidates

lower on the poll than the number to be returned, has no effect upon the election. Thus, if there be four candidates and three are to be returned, the election will be good, though Nos. 1 and 2 be equal; so if out of four candidates two are to be returned, and Nos. 3 and 4 are equal, the result will be the same.

It may be observed that the Clerk is not bound, either before or during, or after the calculation of the votes, to permit any person to inspect or copy the voting papers. Generally he will act most prudently in refusing such inspection or copy; but it would be highly inexpedient to lay down any absolute rule on the subject, and the Clerk will do well to act according to the circumstances of each case as presented to him, subject to the new provisions stated above.

A question sometimes arose where several candidates were put up, and one of those who had the majority was ascertained to be disqualified, no notice having been given to the electors of the disqualification.

The Commissioners were of opinion that in this case the whole election failed, if the number of unsuccessful candidates exceeded the number of the persons displaced by the disqualification. Accordingly, in a case in the Kensington Union, where such a question arose, they issued an order declaring the election to be void, and directing a new election to take place, which order was acted upon and obeyed.

The principle upon which they proceeded was, that it was impossible to say how the votes of the electors would have been distributed among all the candidates, if the disqualified candidate had not stood.

In a subsequent case, where out of six candidates to supply four places, a question was raised as to the fourth and fifth on the poll, and the Board finding the fourth to be disqualified, acted upon this rule, and declared the whole election to be void; the Court of Queen's Bench held that they were wrong, and that the Board had no jurisdiction except as respected the two candidates referred to them.

Where under the provision in Art. 12, notice is given by

the Clerk of the presumed disqualification of any candidate, the electors vote at the risk of their votes being wholly lost, if it turns out that the disqualification really exists. In that case their votes would not be counted, and the votes of the other candidates would be reckoned as though these never existed.

Still, where no such notice is given by the Clerk, the former principle seems to be applicable. In regard to elections without notice, see *Reg. v. Hiorns*, 7 A. & E. 960; *Reg. v. The Mayor of Leeds*. *Ib.* 963.

It has been held by the Poor Law Board that the principle extends to cases where it turns out that the nomination of a successful candidate among several was not valid. This, however, cannot affect the return to be made by the Clerk, since he, as was observed above, is concluded from inquiring into the validity of the nomination at this stage of the proceedings.

The rule, therefore, would only be applicable upon an appeal against the return.

#### *9.—Notice to the Guardians elected.*

When a candidate has been duly elected the Clerk is to inform him of the fact by the notice prescribed in the form prescribed by the General Order dated March 22, 1852.

That notice specifies when the meeting of Guardians at which he is entitled to appear is to take place, and appears to invite the Guardian to attend there. Accordingly he should attend. A serious difficulty formerly existed in regard to the formation of the new Board. If there were no contest in the Union the election was wholly concluded on the 26th of March, and the new Board was constituted the next day. But there might be contests in some parishes, and none in others. The question arose whether the Guardians elected for the latter could take their seats at the Board before the other elections were concluded. See 4 *Off. Cir.* 70. This difficulty is removed by the 14 & 15 Vict. c. 105, s. 2, which requires that the Guardians elected



for the several parishes in Unions, or the several Wards in Parishes, shall continue to act as such until the 15th day of April inclusive, although their successors may have been elected previously to that day ; and from and after that day every Guardian newly elected for any such parish or ward shall act as such Guardian for the ensuing year.

It must be noticed that the time within which the election is to be concluded was by the 7 & 8 Vict. c. 101, s. 17, extended to forty days after the 26th of March, *i. e.* to the 5th May, though in practice this time is seldom reached. But the clause expressly requires the Guardian of the preceding year to continue in office for the said period of forty days, or until the election of Guardians for the succeeding year shall have taken place. This is qualified by the late statute 13 & 14 Vict. c. 105, s. 2.

Although it seems superfluous to remark, yet as a question has been asked, it may be right to state, that, if the Guardian of the previous year has consented to serve under 5 & 6 Vict. c. 57, s. 10, no notice of election is required to be sent to him. 4 *Off. Cir.* 59.

#### 10.—*Return or Certificate of the Clerk.*

The last step in the election is the Clerk's return, or, as it is termed in the order, *the Notice of the Election of Guardians.*

The Guardians are indeed elected prior to this return, and may, after the 15th of April, act before it is made, or though it be not made at all. 1 *Off. Cir.* 22.

The order requires the copies of the list to be printed and delivered, or *sent* to the Overseers of the Parish ; so that actual delivery is not actually necessary. No copy need be sent to the Poor Law Board. The Overseers are to publish copies of the list as notices of other parochial business ; and the Commissioners have not defined any place in parishes where the copies of the return are to be affixed, since the proper places are found to differ so very materially as to render any precise description impracticable. The Overseers

will do well to cause the ordinary publicity to be given to the notice.

This return is not confined to the candidates at the election, but should contain the name of the former Guardian competent and willing to act in the event of there having been no valid election in any Parish. 3 *Off. Cir.* 108.

There is no place in the return where the Clerk can notice any protest against the election or the declaration of the successful candidates. See 7 *Off. Cir.* 87.

It is not requisite that the names of the persons who may refuse to serve should be inserted in the return; though the Commissioners see no objection to the insertion of such names, and the statement of the cause of there being no election. 3 *Off. Cir.* 108.

The Clerk must return the candidates duly nominated, though not enough to fill the actual vacancy. 3 *Off. Cir.* 55.

The return cannot be altered or amended by the Clerk at the direction of the Board of Guardians. 3 *Off. Cir.* 105.

As already observed, the omission by the Clerk to send the notice to the Guardians or to the Overseers, or by the latter to publish the copy of the return, will not affect the validity of the election. 1 *Off. Cir.* 22.

It is proper to notice that the Clerk is to deliver all the voting and nomination papers to the Guardians, see Art. 24. As these will be official documents of the Board, he will afterwards hold them as Clerk to the Guardians, and not as Returning Officer.

No candidate or elected Guardian can claim as a right to see and examine the voting papers before the return. They are then in the Clerk's custody, and he is not bound to allow an inspection. *Off. Cir.* No. 50, (N. S.) 95. When the return has been made, and they are delivered to the Guardians, they are in the custody of the latter, and the New General Order contains a provision that these papers shall be open to the inspection of any nominator or any candidate at the election for which there was a contest, or to any person appointed in writing on behalf of the nominator or candidate during the hours of 10 and 6 on any day,

except Sunday, during the six months after the first meeting of the New Board.

The former orders required the Guardians to preserve these papers for two years, and as this regulation is not rescinded, they should give such directions in regard to the inspection, when applied for, as will prevent loss or injury to the papers.

It must be observed that the right of inspection is limited to persons who may be fairly presumed to be interested in the return. It is not open to every person in the parish, nor to any person in another parish.

#### V. OF THE RETURNING OFFICER, AND HIS REMUNERATION.

On the formation of a Union the Returning Officers in every parish comprised therein must be the Churchwardens and Overseers. But where the Poor Law Commissioners deemed it right to issue an order commanding the Churchwardens and Overseers of a parish to appoint a person to be the Returning Officer, the Court of Queen's Bench held that the order was a valid one, and granted a writ of *mandamus* to enforce it. *Q. v. The Overseers of Oldham*, 10 Q. B. 700; S. C. 11 Jur. 488; 16 L. J. R. (M. C.) 110.

The Clerk has been constituted by the Commissioners, as already stated, the Returning Officer at this election. In some few cases the Commissioners had directed a barrister to be appointed by the Guardians to conduct the election, but they have removed all distinction by their General Orders, and the elections are in all cases to be conducted by the Clerk.

Provision is, however, made for the cases where the office is vacant, or where the Clerk is unable from illness, or other sufficient cause, to discharge the duties. The Guardians are then required to appoint some person to perform such of the duties as shall then remain to be performed. See Art. 2.

It may happen that the whole of the business is to be

done, or it may happen that a part only remains to be performed, the Guardians should in either case be prompt in the appointment of the substitute.

No restriction is imposed upon them in regard to this appointment, since, being a case of emergency, it must be dealt with accordingly. Art. 27 provides for the delivery of the election documents to the Clerk's successor or substitute.

The assistants to the Clerk are to be appointed by the Guardians, (as, indeed, they must be, according to *Q. v. Hunt*, 12 A. & E. 130; S. C. 2 Lum. P. L. C. 8); but if the Guardians neglect to appoint them, the Clerk must make the best arrangements that he can.

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#### *Remuneration of the Returning Officer.*

The General Orders have required the Clerk to the Guardians to do his duty, and it might have been considered that the general salary received by him should have been estimated with reference to the performance of this duty; but the Commissioners have deemed it more advisable to make specific provision for it, and have accordingly issued the following General Orders on this subject. In the *Off. Cir.* No. 51, (N. S.) 98, the effect of these orders is explained.

GENERAL ORDER AS TO ELECTION EXPENSES.

*To the Guardians of the Poor of the several Unions named in the Schedules hereunto annexed ;—*

*To the Churchwardens and Overseers of the Poor of the several Parishes comprised in the said several Unions ;—*

*To the Clerk or Clerks to the Justices of the Petty Sessions held for the Division or Divisions in which the said several Parishes are situate ;*

*And to all others whom it may concern.*

We, the Poor Law Commissioners, do hereby, under the authority of an Act passed in the fifth year of the reign of his late Majesty King William the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, rescind all such of the provisions contained in any order or orders under the hands and seal of the Poor Law Commissioners as direct the payment of expenses to be incurred in the election of Guardians of the Poor for the several Parishes comprised in the several Unions named in the following schedules hereunto annexed.

And whereas by a General Order under the hands and seal of the Poor Law Commissioners, bearing even date herewith, addressed to the Guardians of the Poor of the said several Unions, the said Commissioners have (amongst other things) prescribed the manner of conducting the future election of Guardians of the Poor for the several Parishes comprised in the said Unions ; and it is expedient that provision should be made for the payment of the expenses to be incurred in such elections.

Now, therefore, we, the said Poor Law Commissioners, do hereby order and direct in regard thereto, with reference to each of the said Unions named in the said schedules as follows :—That the expenses of every future election of

Guardians of the Poor of the several Parishes comprised in the said Unions shall be defrayed by the Guardians of the said Unions in the manner hereinafter set forth ; that is to say,

Article 1.—The cost of providing the several forms marked (A.), (D.), and (E.), contained in the said Order, being the Notice of Election, the Notice to the Guardians elected, and the Certificate of the Election, shall be defrayed out of the common fund of the Union.

Article 2.—The cost of providing the form marked (C.) contained in the said Order, being the Voting Paper, shall be defrayed out of the funds in the possession of the said Guardians belonging to the respective Parishes to which the Voting Papers shall relate.

Article 3.—The compensation which shall be paid to the Clerk, or to the person appointed under the authority of the said recited Order to act as such in the performance of the duties thereby prescribed, shall include the remuneration of the persons who may have been appointed or employed to assist him in conducting and completing the election, and shall, in respect of the several unions named in the following schedule marked A., be such sum, not exceeding *ten pounds*, as the Guardians shall determine, and shall, in respect of the several Unions named in the following schedule marked B., be such sum, not exceeding *fifteen pounds*, as the Guardians shall determine, and such sums respectively shall be defrayed out of the common fund of the Unions.

Article 4.—And in the case of every contested election one farthing per head on the population of the Parish in which the contest shall have taken place, if the population shall be more than five hundred, and one half-penny per head on the population of the Parish in which the contest shall have taken place, if the population be not more than *five hundred*, shall be paid to the said Clerk or other person as aforesaid in addition to such compensation, and shall be defrayed out of the funds in the possession of the said Guardians belonging to such Parish. And for the purpose of ascertaining the last-mentioned

sums, the population of the Parish shall be taken to be as stated in the census which at the time of such election shall have been last made under the authority of any Act of Parliament.

And we do hereby declare, that wherever the word "parish" is used in this Order, it shall be taken to signify any place in the Union separately maintaining its own Poor.

This is now altered by the interpretation, Art. 61, contained in the General Order of Accounts, issued in January, 1867, and which is the same as that in the 29 & 30 Vict. c. 118, s. 18, set out above.

#### SCHEDULE A.

Containing the Names of the Unions in which the sum is not to exceed *ten pounds*.

These are the Unions in the schedule to the Consolidated Order, printed above in page 10, not marked.

#### SCHEDULE B.

Containing the Names of the Unions in which the sum is not to exceed *fifteen pounds*.

These are the Unions in the schedule above referred to, marked with (\*).

Similar provisions have been introduced in the Consolidated Orders issued to the Unions formed since 1847, which are enumerated in page 29, above.

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THE following General Order was issued on the 8th of December, 1847, with reference to the *parishes* named in the schedule.

*To the Guardians of the Poor of the several Parishes named in the Schedule hereunto annexed:—  
To the Clerk or Clerks to the Justices of the Petty Sessions*

*held for the Division or Divisions in which the said several Parishes are situate ;—  
And to all others whom it may concern.*

Whereas, by a General Order, under the hands and seal of the Poor Law Commissioners, bearing even date herewith, addressed, amongst others, to the Guardians of the Poor of the several Parishes named in the Schedule hereto, the said Commissioners have (amongst other things) prescribed the manner of conducting the election of Guardians of the Poor for the said several Parishes ; and it is expedient that provision should be made for the payment of the expenses to be incurred in such elections.

Now, therefore, we, the said Poor Law Commissioners, do hereby order and direct henceforth in regard thereto with reference to each of the said Parishes, as follows :— That the expenses of every election of Guardians of the Poor of the said several Parishes shall be defrayed by the Guardians of the said Parishes in the manner hereinafter set forth ; that is to say,

Article 1.—The cost of providing the several Forms contained in the said orders shall be defrayed by the said Guardians out of the funds in their possession belonging to the said Parish.

Article 2.—The compensation which shall be paid to the Clerk, or to the person appointed under the authority of the said recited orders to act as such in the performance of the duties thereby prescribed, shall include the remuneration of the persons who may have been appointed or employed to assist him in conducting and completing the election, and shall, in respect of the said several Parishes, be such sum, not exceeding *ten pounds*, as the Guardians shall determine, and shall be defrayed by the said Guardians out of the said funds.

Article 3.—And in the case of every contested election in the Parish of Saint Mary and Saint Andrew Whittlesea *three-pence*, and in every other of the said Parishes *two-pence* in respect of each person separately assessed to the Poor Rate of the Parish shall be paid to the said Clerk or



other person as aforesaid in addition to such compensation, and shall be defrayed by the said Guardians out of the said funds.

*Schedule containing the Names of the Parishes to  
• which the present order applies.*

Alston-with-Garrigill.  
Bermondsey, St. Mary Magdalen.  
East Stonehouse.  
Paddington.  
St. Matthew, Bethnal Green.  
St. George-in-the-East.

St. Martin-in-the-Fields.  
St. Mary Abbott-, Kensington.  
St. Mary, Rotherhithe.  
Whittlesea, St. Mary and St. Andrew.  
Great Yarmouth.

Given under our hands and seal of office, this Eighth day of December, in the year One thousand eight hundred and forty-seven.

(Signed)      GEO. NICHOLLS.  
                     EDMUND W. HEAD.

Separate Orders have been issued to the Parishes of Camberwell, Hampstead, Holbeck, Hunslet, St. Luke Chelsea, Lambeth, Leeds, Mile End Old Town, Saddleworth, Shoreditch, Stoke-upon-Trent, and Toxteth Park, in all of which the remuneration under Art. 3 is to be computed at *two-pence* per each assessment.

A special order was issued to the township of Manchester, but it has been rescinded and a commuted sum has been added to the salary, as has been done in some few other Unions and Parishes.

With reference to former orders the Commissioners stated that all expenses not provided for by the orders must be borne by the Clerk. But he is not bound to supply either *Statements of owners*, or *Appointments of proxies*, or

*Nomination papers*, to any person, though he may procure, and supply them upon application, either gratuitously or for remuneration, as he may think fit.

Where the excess of candidates is removed by the refusal of some of them to serve after the voting papers have been sent out, the Commissioners have considered that there is not a *contested election* within the meaning of this order. 3 *Off. Cir.* 55. 9 *Off. Cir.* 104. But the Guardians in awarding the remuneration under Article 3 may properly take these circumstances into their consideration.

The Clerk cannot elect to treat the population of the Parish as under five hundred where in fact it is over that amount, his object being to obtain the higher amount of charge upon the less amount of population. Where the compensation under Article 4 would be small, the Guardians may make a greater allowance under Article 3. *Off. Cir.* No. 51, (N. S.) 98.

This order applies to all elections whether annual or extraordinary, though in awarding the sum to be paid to the Clerk within the specified limits, the Guardians will doubtless distinguish the amount of labour to be performed by him in the respective cases.

## VI. THE DECISION OF DISPUTED ELECTIONS.

When the Clerk makes his return, it is competent for the Guardians as a Board, to admit or refuse any particular member whose election is disputed. Prior to the 5 & 6 Vict. c. 57, no ready mode existed by which the validity of the election, in the case of any dispute, could be decided. The court of Queen's Bench in *Ex p. Aston*, 6 A. & E. 784, refused to grant a *quo warranto* information to try the question. But this decision has been overruled since the great case of *Darley v. Reg.* 12 Cl. & F. 510, and the Court of Queen's Bench have held that a *quo warranto* information would lie for the office of a Guardian. In *Q. v. Hampton and others*, 12 Jur. (N. S.) 583; 13 L. T. (N. S.) 431.

They also decided that the fact of the Poor Law Board

having power to determine the question did not oust the jurisdiction of the court. *Ib.*

But the general rules which govern the discretion of the court in respect of granting these informations must be attended to. Thus, a recent application for an information against a member of a Local Board failed, because the applicant, who relied upon a default in the voting papers, had previously filled up and returned papers containing the like defect. *Q. v. Lofthouse*, 1 Law Rep. 483.

The Commissioners when applied to, frequently gave their opinion, and upon that expression of opinion the parties usually acted; but this was altogether a voluntary proceeding.

The 5 & 6 Vict. c. 57, s. 8, enables "the Commissioners, if they see fit, in case any question shall arise as to the right of any person to act as an elective Guardian, to inquire into the circumstances of the case, and to issue such order as they may deem requisite for determining the question."

That order, as it seems to have been thought, would, under the 4 & 5 Will. 4, c. 76, s. 105, have been removable into the Court of Queen's Bench at any time, but as this would have led to great inconvenience, it is provided that "no *certiorari* shall be available for removing the order unless applied for during the term next after the issuing of such order."

Moreover it is necessary to refer to the 10 & 11 Vict. c. 109, s. 25, which provides "that in no proceeding shall it be lawful to question the qualification or the validity of the election of any person as a Guardian after the end of twelve months next following the election, or the time when the alleged disqualification or want of qualification of the person against whom such proceeding shall be directed, shall have arisen."

The Commissioners have, since the passing of the Act, issued many orders for the purpose of deciding disputed elections, and in two cases only has an application been made to the court of Queen's Bench to remove them. The court held, in the one case, that the order of the Poor Law

Board was open to investigation by them, if it could be shown that the Board had decided erroneously in point of law, (*Q. v. The Poor Law Board, In re the Westbury-upon-Severn Union*, 4 E. & B. 314), though they were of opinion that they had come to a correct decision in the case. In the other case, *Q. v. The Poor Law Board, In re Harvey*, Hil. T. 1858, the Board appeared in courtesy to the court on the rule, but the points of the case were not argued, and the order was quashed.

In the exercise of their jurisdiction the Board generally investigate the case upon written statements submitted to them by both parties; but occasionally they send their inspectors to obtain evidence upon oath as to the facts alleged or disputed, and decide upon their report.

With reference to the mode of election now established, and the power of the Commissioners to decide the question and the provision of the 13th sect. of the 5 & 6 Vict. c. 57, that no defect in the qualification or election of any person acting as a Board, where the majority assembled are entitled to act as Guardians, shall vitiate the proceedings, the Commissioners have advised the Guardians to abide by the return of the Clerk duly made to them, and to treat it as conclusive until it has been properly questioned. 4 *Off. Cir.* 59.

## VII. OF THE CONSEQUENCES OF NON-ELECTION.

It may happen that no election takes place for all the Parishes in the Union, or for some one or more of them.

If no election takes place, then by the 4 & 5 Will. 4, c. 76, s. 38, the *ex officio* Guardians of the Union must receive and carry into effect the rules, orders, and regulations of the Poor Law Commissioners. This is an extreme case, that occurred once, but so far as the author is aware not on any other occasion.

If the election fail in any particular Parish or Parishes, the Guardians elected for the residue, not being less than three, shall, nevertheless, be competent to act until the next

election, or until the completion of the Board, as if no such vacancy had occurred. *Q. v. The Overseers of Todmorden and Walsden*, 1 Q. B. 185, and 3 Q. B. 675, and 5 & 6 Vict. c. 57, s. 12.

But it is also provided, by s. 10 of the latter Act, that in every case in which *no* person shall be elected for the office of Guardian in any Parish at any annual election of guardians, the *persons* elected for the previous year *may* continue to act as Guardians until the next annual election.

This only applies where there is an entire failure to elect in any Parish; so that where there ought to be several Guardians, and a part only of them are elected, the Guardians of the previous year cannot continue to serve under this clause. 4 *Off. Cir.* 73.

It is also to be observed that the provision only lasts for one year, as it is the Guardians *elected* for the previous year who can continue to act, and the continuing Guardians not being elected for the previous year, are not within the enactment on failure in the second year. *Ib.*

A question has occurred whether, when a Guardian has been elected on an extraordinary vacancy, he could continue to act for the ensuing year. At first it was considered that he could not, as he had not been elected *at an annual election*. But the Board have since been of opinion that his case is within the spirit of the enactment, and that he can so continue to act.

There is no compulsion upon the Guardian to act for the second year, and such acting is therefore altogether voluntary.

Where there are several Guardians for a Parish, and there is a total failure to elect, it seems that some of the Guardians of the former year may continue in office though others refuse.

The Commissioners were accustomed, upon the occurrence of vacancies, however caused, in the Guardians for any Parish, to issue orders for new elections, which orders had never been questioned. However, the 5 & 6 Vict. c. 57, s. 11, declared and enacted, that "in every *case of omission* to elect, or of a vacancy in any Board of Guardians by

death, resignation, or disqualification, the said Commissioners shall be and shall be deemed to have been empowered to order a new election."

The Poor Law Board constantly issue orders for fresh elections where there has been an omission to elect. As a preliminary, however, to issuing the order, they generally require the Guardians of the preceding year, if within the 10th section, to sign the following declaration:—

"To the Guardians of the Poor of the —— Union, in the county of ——.

"I ——, of ——, do hereby declare that I was elected for the office of Guardian, in the (*insert parish or township, as the case may be*) of ——, in the county of ——, at the annual election of Guardians in the month of ——, in the year 186 . And having been informed that no person has been elected at the election of Guardians for the present year, in the said ——, I do declare that it is not my intention to act hereafter as a Guardian for the same.

"Signed this —— day of ——, 186 .

"Witness ——."

Where a vacancy occurs during the year from any other cause, there is, of course, no necessity for this or any similar document.

The Board only then require to be fully satisfied of the vacancy.

A question has arisen as to the consequence of the Board's declaring an election to have been wholly void. In this case the Board have been advised that the person elected in the previous year cannot be prevented from acting and the Board cannot issue an order for a fresh election.

It is convenient here to observe that a vacancy does not always occur so soon as is frequently believed. A person who is qualified by the assessment upon property in his own occupation often gives up the occupation. It is supposed that he thereupon ceases to be qualified as Guardian,

and consequently that a vacancy has occurred. But this is not necessarily the case. His qualification depends upon the rating, and this continues, notwithstanding his relinquishment of the occupation, until a fresh rate is made, from which his name is omitted. Even then he may continue qualified, if, in the meantime, he has become assessed to the requisite amount in some other Parish in the Union.

The Board, when they issue orders for these extraordinary elections, direct them to be conducted by the Clerk in the same manner as the general election of the Union; but specify, as is requisite, the precise days on which the proceedings are to take place.

By the 7 & 8 Vict. c. 101, s. 18, the Poor Law Board are empowered to alter the number of Guardians appointed for any Parish in a Union. When they do this, they issue an order, which, if it increase the number, points out the days upon which the proceedings in the election are to take place, and gives the form of notice to be used upon such occasions.

They also require the Clerk to conduct the election of the additional Guardians.

#### VIII. MALPRACTICES AT THESE ELECTIONS.

In 1849, one Michael Conway was indicted at the Liverpool Assizes for a misdemeanor, being charged with forging the name of a voter to a voting paper, and also with a conspiracy to prevent the return of the proper Guardians for a township in the Ashton-under-Lyne Union. He pleaded guilty, and was sentenced by the Judge to six months imprisonment, three months in respect of each charge.

Similar prosecutions took place elsewhere.

At the Spring Assizes for Yorkshire in 1858, three persons were convicted before *Byles, J.*, of a common law offence for conspiring to defeat the due election of Guardians by causing forged proxy appointments to be issued

and acted upon at such election, and were sentenced to imprisonment. *Q. v. Beckwith and others.*

But a summary remedy has been provided by the 14 & 15 Vict. c. 105, s. 3, which enacts—

“That if any person pending or after the election of any Guardian shall wilfully, fraudulently, and with intent to affect the result of such election ;—

“fabricate in whole or in part, alter, deface, destroy, abstract, or purloin any nomination or voting paper used therein ;—

“or personate any person entitled to vote at such election ;—

“or falsely assume to act in the name or on the behalf of any person so entitled to vote ;—

“or interrupt the distribution or collection of the voting papers ;—

“or distribute or collect the same under a false pretence of being lawfully authorized to do so ;—

“he shall for every such offence be liable upon conviction thereof before *any* two Justices, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour.”

Several convictions have occurred since the passing of this salutary enactment.

The Poor Law Board severely reprimand and sometimes dismiss officers engaged in the administration of the Poor Laws, who in any way avail themselves of the opportunities afforded them by their offices to tamper with the rate-books or election papers, or corruptly to influence or control voters in the exercise of their franchise, or to impede or defeat the return of any particular candidate, or who otherwise improperly interfere with the election.



IX.—THE RESIGNATION OF GUARDIANS.

The power of resigning the office of Guardian was not distinctly given by the 4 & 5 Will. 4, c. 76. It appeared to be as much a compulsory one after election as that of an Overseer or a Town-Councillor, who could not have resigned under the 5 & 6 Will. 4, c. 72. But the 38th section of the former Act provided that the Board of Guardians might continue to act in the event of a vacancy occurring by the *resignation* or refusal to act of any elected Guardian. It made no provision for the election of a fresh Guardian in the event of a vacancy. But the Poor Law Commissioners were, as already noticed, accustomed to issue special orders for such purposes. If, in the event of a resignation, they considered the same unjustifiable they declined to issue an order, and the Parish was unrepresented if the resignation were persisted in.

But the 5 & 6 Vict. c. 57, s. 11, declared and enacted "that the said Commissioners may accept the resignation of any person elected as a Guardian, tendered for any cause which the Commissioners may deem reasonable "

Since this enactment the Board have frequently received and accepted the resignations of Guardians. But occasionally they have declined to do so.

They have directed the following form to be used on this occasion :—

"I, ———, of ———, being an elected Guardian of the Poor for the (*insert parish or township, as the case may be*) of ———, in the ——— Union, in the county of ———, do hereby, for the following cause ———, tender my resignation of the said office of Guardian for the said (*insert parish or township, as the case may be*) for the acceptance of the Poor Law Board.

"As witness my hand this ——— day of ———, 185 .

"Witness ———."

(L. S.)

When the Board signify their acceptance of the resignation, which they do by letter, but not before, it is complete.

If at that time the next annual election is yet distant, they will, if applied to, issue an order for a new election to supply the vacancy.

A resignation cannot be available where a person has not been duly elected. *Q. v. Bizard*, 36 L. J. R. (Q. B.) 18. And it is unnecessary in any case where, pending the election, the candidate gives notice of his refusal to serve, even though the Clerk may return him as an elected Guardian.

## **A P P E N D I X.**

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### **I.**

**EXTRACTS FROM THE STATUTES, 4 & 5 Will. 4, c. 76; 5 & 6 Vict. c. 57; 7 & 8 Vict. c. 101; 10 & 11 Vict. c. 109; 14 & 15 Vict. c. 105; and 20 Vict. c. 19, which relate to the Election of Guardians.**

### **II.**

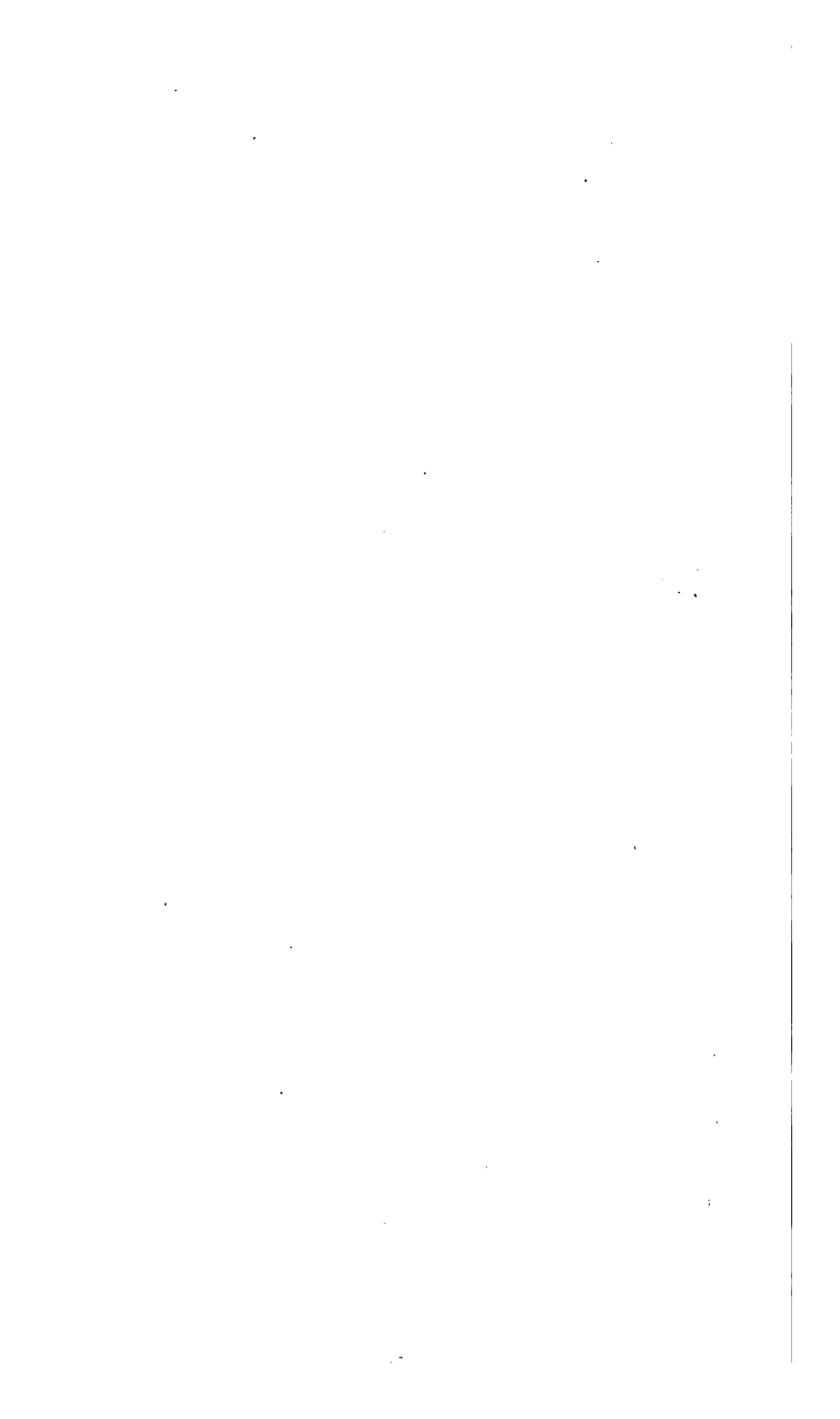
**LIST of the Parishes in Unions, or under Boards of Guardians, where the Population exceeded 2000 at the Census taken in 1861.**

### **III.**

**LIST of Parishes and Townships in which the Election is to take place in Wards.**

### **IV.**

**Circular Letter of the Poor Law Board, dated April 2, 1866, relating to Rights of the Occupiers of Small Tenements to Vote.**



## I. EXTRACTS FROM THE STATUTES.

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4 & 5 Will. 4, c. 76, ss. 38—41.

38. *Constitution and election of Board of Guardians for Unions.*] And be it further enacted, that where any Parishes shall be united by order or with the concurrence of the said Commissioners for the administration of the laws for the relief of the poor, a Board of Guardians of the poor for such Union shall be constituted and chosen, and the workhouse or workhouses of such Union shall be governed, and the relief of the poor in such Union shall be administered, by such Board of Guardians ;

And the said Guardians shall be elected by the rate-payers, and by such owners of property in the Parishes forming such Union, as shall in manner hereinafter mentioned require to have their names entered as entitled to vote as owners in the books of such Parishes respectively ;

And the said Commissioners shall determine the number and prescribe the duties of the Guardians to be elected in each Union, and also fix a qualification, without which no person shall be eligible as such Guardian, such qualification to consist in being rated to the poor-rate of some parish or parishes in such Union, but not so as to require a qualification exceeding the annual rental of forty pounds, and shall also determine the number of Guardians which shall be elected for any one or more of such Parishes, having due regard to the circumstances of each such Parish :

Provided always, that one or more Guardians shall be elected for each Parish included in such Union.

And such Guardians, when so elected, shall continue in office until the 25th day of *March* next following their appointment, or until others are appointed in their stead ; and on such

25th day of *March* or if that day should fall on a *Sunday* or *Good Friday*, then on the day next following, or within fourteen days next after the said 25th day of *March* in every year, such Guardians shall go out of office, and the Guardians for the ensuing year shall be chosen.

And in the event of any vacancy occurring in such Board, by the death, removal, or resignation, or refusal or disqualification to act of any elected Guardian between the periods of such first and the next and any subsequent annual election, or in case the full number of Guardians shall not be duly elected at such subsequent election of Guardians for the time being, the other or remaining members of the said Board shall continue to act until the next election, or until the completion of the said Board, as if no such vacancy had occurred, and as if the number of such Board were complete ;

And every Justice of the Peace residing in any such Parish, and acting for the county, riding, or division in which the same may be situated, shall be an *ex officio* Guardian of such united or common workhouses, and shall, until such Board of Guardians shall be duly elected and constituted as aforesaid, and also in case of any irregularity or delay in any subsequent election of Guardians, receive and carry into effect the rules, orders, and regulations of the said Commissioners ; and after such Board shall be elected and constituted as aforesaid, every such Justice shall *ex officio* be and be entitled, if he think fit, to act as a member of such Board, in addition to and in like manner as such elected Guardians :

*No Guardian to have power except at a Board, unless otherwise directed by the Commissioners.*] Provided always, that except where otherwise ordered by the said Commissioners, and also except for the purpose of consenting to the dissolution or alteration of any Union, or any addition thereto, or to the formation of any Union for the purposes of settlement or rating, no *ex officio* or other Guardian of any such Board as aforesaid shall have power to act in virtue of such office, except as a member and at a meeting of such Board ;

And no act of any such meeting shall be valid unless three members shall be present and concur therein :

*Guardians may be re-elected.*] Provided also, that nothing herein contained shall prevent such owners and rate-payers from re-electing the same persons, or any or either of them, to be

Guardians for the year next ensuing, nor from electing as a Guardian any person who may already have been chosen as a Guardian of any other Parish.

39. *The like for single Parishes.*] And be it further enacted, that if the said Commissioners shall, by any order under their hands and seal, direct that the administration of the laws for the relief of the poor of any single Parish should be governed and administered by a Board of Guardians, then such Board shall be elected and constituted, and authorized and entitled to act, for such single Parish, in like manner in all respects as is herein-before enacted and provided in respect to a Board of Guardians for united Parishes ;

And every Justice of the Peace resident therein, and acting for the county, riding, or division in which the same is situated, shall be and may act as an *ex officio* member of such Board.

40. *At elections of Guardians votes to be taken in writing, and owners as well as occupiers to vote.*] And be it enacted, that in all cases of the election of Guardians under this Act, or wherever the consent of the owners of property or ratepayers in any Parish or Union shall be required for any of the purposes of this Act, except when otherwise expressly provided for in this Act, the votes of such owners and rate-payers shall be given or taken in writing, collected, and returned, in such manner as the said Commissioners shall direct ; and in every such case the owner, as well as the rate-payer, in respect of any property in such Parish or Union, shall be entitled to vote, and the owner shall have the same number and proportion of votes respectively as is provided for inhabitants and other persons in and by an Act made and passed in the fifty-eighth year of the reign of his said late Majesty King George the Third, intituled, *An Act for the Regulation of Parish Vestries*, and, in and by an Act to amend the same, made and passed in the fifty-ninth year of his said late Majesty ;

*Scale of voting.*] And the rate-payers under two hundred pounds shall each have a single vote ; and the rate-payers rated at two hundred pounds or more, but under four hundred pounds, shall each have two votes, and the rate-payers rated at four hundred pounds or more, shall each have three votes ; and the majority of the votes of such owners and rate-payers which shall be actually collected and returned shall in every such case be binding on such Parish ;

And for the purpose of ascertaining the number of votes to which each such owner shall be entitled, the aggregate amount of the assessment for the time being of any property belonging to such owner in such Parish, or on any person or persons in respect of the same, to the poor rate, shall be deemed to be and be taken as the annual value of such property to such owner ;

And where any such owner shall be the *bond fide* occupier of any such property, he shall be entitled to vote as well in respect of his occupation as of his being such owner ;

*Votes may be given by proxy.*] Provided always, that it shall be lawful for any owner from time to time, by writing under his hand, to appoint any person to vote as his proxy ; and every such appointment shall remain in force until revoked or recalled by such owner ;

But no owner shall be entitled to vote, either in person or proxy, unless he shall, previous to the day on which he shall claim to vote, have given a statement in writing of his name and address, and the description of the property in the Parish as owner whereof, or proxy for the owner whereof, he claims to vote, and if such proxy, the original or an attested copy of the writing appointing him such proxy, to the Overseers of such Parish ;

And the said Overseers are hereby required to enter in the rate books of such Parish, or in some other book to be from time to time provided for that purpose, the names and addresses of the owners and proxies who shall send such statements, and the assessment of the rate for the relief of the poor of the property in respect whereof they respectively claim to vote :

Provided also, that every person who shall not vote, or who shall not comply with the directions to be made by the said Commissioners for the giving, taking, or returning of votes, shall be omitted in the calculation of votes, and considered as having had no vote on the question whereon he might have voted :

*No rate-payer to vote unless rated one year.*] Provided also, that no person shall be deemed a rate-payer, or be entitled to vote, or do any other act, matter, or thing as such under the provisions of this Act, unless he shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid the parochial rates and assessments made and assessed upon him for the period of one whole year, as well as those due from him at



the time of so voting or acting, except such as shall have been made or become due within the six months immediately preceding such voting or acting :

Provided always, that in cases of property belonging to any corporation aggregate, or to any joint stock or other company, no member of such corporation, or proprietor of or interested in such joint stock or other company, shall be entitled to vote as such owner in respect thereof ;

But any officer of such corporation, joint stock or other company, whose name shall be entered by the direction of the governing body of such corporation or company in the books of the Parish, in the manner hereinbefore directed with respect to the owner of property, shall be entitled to vote in respect of such property in the same manner as if he were the owner thereof.

41. *Elections of Guardians, Visitors, and other Officers under the Act 22 Geo. 3, c. 83, or any local Act to be made according to the provisions of this Act.*] And be it further enacted, that all elections of Guardians, Visitors, and other officers, for the execution of any of the powers or purposes of the said recited Act made and passed in the twenty-second year of the reign of his said late Majesty King George the Third, intituled *An Act for the better Relief and Employment of the Poor*, or of any local Act of Parliament relating to poor-houses, workhouses, or the relief of the poor, or any Act to alter or amend the same respectively, shall hereafter, so far as the said Commissioners shall direct, be made and conducted according to the provisions of this Act :

Provided always, that it shall be lawful for the said Commissioners, if they shall so think fit, from time to time, with the consent of the majority of the owners of property and rate-payers of any Parish, or of any Union now existing or to be formed under the provisions of this Act, to alter the period for which the Guardians to be appointed under the provisions of this Act for such Parish or Union, or any of them, would under the provisions of this Act hold office, for such other period or periods as to the said Commissioners, with such consent as aforesaid, shall seem expedient, and also to make such alterations in the number, mode of appointment, removal, and period of service of the Guardians, or any of them, of any Parish, or of any Union now existing or to

be formed under the provisions of this Act, as to the said Commissioners, with such consent as aforesaid, shall seem expedient.

*Extract from the Statute 5 & 6 Vict. c. 57, ss. 8—14.*

8. *Determination of Disputes as to the election, &c., of Guardians.*] And be it enacted, that in case any question shall arise as to the right of any person to act as an elective Guardian, it shall be lawful for the Commissioners, if they shall see fit, to inquire into the circumstances of the case, and to issue such order or orders therein, under their hands and seal, as they may deem requisite for determining the question ;

And no such order shall be liable to be removed by writ of *certiorari* into the court of Queen's Bench, unless the application for such writ shall be made during the term next after the issuing of such order.

9. *Resignation of candidates.*] And be it enacted, that if any person put in nomination for the office of Guardians tender to the officer conducting the election of Guardians his refusal in writing to serve such office, the election of Guardians, so far as regards such person, shall be no further proceeded with.

10. *Continuance of Guardians in office.*] And be it enacted, that in every case in which no person shall be elected, for the office of Guardian in any Parish at any annual election of Guardians, the persons elected for the previous year may continue to act as Guardians until the next annual election.

11. *Commissioners may accept resignation of any Guardian, and may order new election.*] And be it declared and enacted, that the said Commissioners may accept the resignation of any person elected as a Guardian tendered for any cause which the Commissioners may deem reasonable ;

And in every case of omission to elect, or of vacancy in any Board of Guardians, by death, resignation, or disqualification, the said Commissioners shall be and shall be deemed to have been empowered to order a new election for the completion of such Board.

12. *In case of vacancy, remaining Guardians to act.*] And be it declared and enacted, that in case the full number of Guardians shall not be or shall not have been elected at any election of Guardians, or in case of any vacancy in any Board of Guar-

dians by the death, removal, resignation, refusal, or disqualification to act of any elected Guardian, the other or remaining members of the said Board, being not less than three, shall be and be deemed to have been competent to act until the next election, or until the completion of the said Board, as if the number of such Board were complete;

And that no acts or proceedings shall be liable to be questioned on account of any failure to elect any Guardian or Guardians, or on account of any vacancy as aforesaid.

13. *De facto Guardians.*] And be it declared and enacted, that no defect in the qualification or election of any person acting as a Guardian at a Board of Guardians, the majority of persons assembled at which shall be entitled to act as Guardians, shall be deemed to vitiate or make void any proceedings of such Board in which he may have taken part.

14. *Paid officers and others incapable of serving as Guardians.*] And be it enacted, that no person, during the time for which he may serve or hold the office of Assistant Overseer of any Parish, nor any paid officer engaged in the administration of the laws for the relief of the poor, nor any person who, having been a paid officer, shall have been dismissed within five years previously from such office, under the provisions of the said first-recited Act, shall be capable of serving as a Guardian.

And no person receiving any fixed salary or emolument from the poor-rates in any Parish or Union, shall be capable of serving as a Guardian in such Parish or union.

*Extract from the Statute 7 & 8 Vict. c. 101, ss. 14—21, 24.*

44. *Repeal of so much of 4 & 5 Will. 4, c. 76, as relates to number of votes of owners and rate-payers.* 58 Geo. 3, c. 69. *Owners of property and rate-payers to vote according to the scale herein set forth.*] And whereas by the said first-recited Act it is provided, “that in every case of an election of Guardians “under the said Act, or whenever the consent of owners of property or rate-payers in any Parish or Union may be required “for any of the purposes of the said Act, the owner, as well as the “rate-payer, in respect of any property in such Parish or Union, “shall be entitled to vote, and the owner shall have the same “number and proportion of votes respectively as is provided for

“inhabitants and other persons in and by an Act made and passed  
“in the fifty-eighth year of the reign of his late Majesty King  
“George the Third, intituled *An Act for the Regulation of*  
“*Parish Vestries*, and in and by an Act to amend the same,  
“made and passed in the fifty-ninth year of his said late Majesty;  
“and the rate-payers under two hundred pounds shall each have  
“a single vote; and the rate-payers rated at two hundred pounds  
“or more, but under four hundred pounds, shall each have two  
“votes; and the rate-payers rated at four hundred pounds or  
“more shall each have three votes: And whereas it is expedient  
“that the number and proportion of votes of owners of property  
“and of rate-payers respectively should be assimilated;” be  
it enacted, that so much of the said Act as is above recited  
relating to the number and proportion of votes of owners of prop-  
erty and of rate-payers respectively shall be and the same is  
hereby repealed;

And that in all cases in which by the said Act, or by any Act  
amending or extending the same, owners of property and rate-  
payers are entitled to vote, every owner of property and rate-  
payer shall have respectively the same number and proportion of  
votes, according to the scale following; (that is to say,) if the  
property in respect of which he is entitled to vote be rated upon  
a rateable value of less than fifty pounds, he shall have one vote;  
if such rateable value amount to fifty pounds and be less than one  
hundred pounds, he shall have two votes; if it amount to one  
hundred pounds and be less than one hundred and fifty pounds,  
he shall have three votes; if it amount to one hundred and fifty  
pounds and be less than two hundred pounds, he shall have four  
votes; if it amount to two hundred pounds and be less than two  
hundred and fifty pounds, he shall have five votes; and if it  
amount to or exceed two hundred and fifty pounds, he shall have  
six votes.

15. *Regulations as to the votes of owners and of proxies.*  
And be it enacted, that no owner of property shall be entitled to  
vote as such, under the provisions of the said recited Act, either  
in person or proxy, during the year following the twenty-fifth  
day of *March* in any year, unless before the first day of  
*February* next preceding such twenty-fifth day of *March* he had  
given to the Overseers the statement required by the said Act,  
signed by him, nor unless such statement contain a description  
of the nature of the interest or estate he may have in such pro-

perty, and a statement of the amount of all rent service (if any) which he may receive or pay in respect thereof, and of the persons from whom he may receive or to whom he may pay such rent service;

And no person shall be entitled to vote as proxy until fourteen days after he have made his claim so to vote in the manner required by the said Act;

And no person shall be entitled to vote as proxy for more than four owners of property in any one Parish (except he be a steward, bailiff, or land agent, or collector of rents for the owners of property for whom he may be appointed to vote);

And no appointment of proxy shall remain in force for a longer period than two years from the making thereof, excepting only in the case in which an owner appoints his tenant, bailiff, steward, land agent, or collector of rents to be his proxy, in which case such appointment shall remain in force so long as the proxy may continue to be such tenant, bailiff, steward, land agent, or collector, and while such appointment remains unrevoked.

And the Overseers of every Parish containing a population exceeding two thousand persons, according to the last enumeration of the population published by the authority of Parliament, shall on or before the fifth day of the month of *February* in every year, enter in the book to be from time to time provided for the purpose, the names and addresses of all persons who before the first day of the said month of *February* have given such statement or made such claims as owners or proxies as aforesaid;

And such Overseers shall allow any person to peruse such book, without payment of any fee at all reasonable hours between the said fifth day and the tenth day of *February*;

And any person who has given such statement or made such claim, or any rate-payer of such Parish, may, on or before the fifteenth day of the said month of *February*, object to any other person as not being entitled to vote as such owner, by delivering to the Clerk of the Board of Guardians of the said Parish or of the Union in which it may be comprised, and at the address of the person objected to, notice in writing of the grounds of such objection;

And on or before the twentieth day of such month of *February* such Clerk shall send to the Overseers of such Parish notice of

some day, between the twenty-fourth of the said month and the first of *March* then next, on which he or some other person duly appointed for the purpose will hear evidence in relation to such objections, and of the place within the Parish or Union at which he or such other person will attend to hear such evidence ;

And such Overseers shall forthwith cause a copy of such notice to be fixed on or near the doors of all churches or chapels within such Parish, and at all the usual places of affixing notices of parochial business ; and such Clerk shall attend on the day and at the place so appointed, and shall, in the presence of all persons who may think fit to be present, hear any matter adduced in support of such grounds of objection, or in opposition thereto, but none other ;

And the Overseers of the said Parish shall then and there attend and produce to such Clerk the rate-books of the Parish for the whole year preceding, and shall answer all such questions as such Clerk may put to them or any of them touching the matter of any such objection ;

And such Clerk shall retain in the said book the name of all persons to whom no objection has been duly made, and of all persons objected to, unless the party objecting have appeared in support of his objection, and established such objection, and when the name of any person has been duly objected to, such Clerk shall require proof of the right of such person to vote as owner ;

And in case any matter be adduced in support of the objection, and the right of the person objected to be not proved to the satisfaction of such Clerk, he shall expunge the name of such person from such book ;

And such Clerk shall have power to adjourn from time to time, and administer an oath to the Overseers of any Parish, and to all persons attending before him claiming a right to vote as owners or objecting to such right, and to all witnesses who may be tendered or examined on either side ; and such Clerk shall write his initials against every name struck out, and sign his name to every page of the said book ; and the persons whose names as owners are retained by such Clerk in such book shall be the only persons entitled to vote in such Parish as owners of property for the year following the twenty-fifth of *March* next ensuing :

Provided always, that the said Commissioners may, if they see fit, by order under their hands and seal, direct the Guardians of

such Parish or Union to appoint some person, other than the Clerk to such Guardians, as a paid officer, to hear and decide the matter of such objections as aforesaid, who shall have all such powers as are hereinbefore given to the Clerk, and perform all such duties as are hereinbefore imposed on the Clerk in that behalf;

Provided also, that nothing herein contained shall affect any election in which proceedings have been commenced before the passing of this Act.

16. *So much of 4 & 5 Will. 4, as relates to not voting, only to extend to poor's rates.*] And "whereas by the said first-recited Act it is provided that no person shall be deemed a rate-payer, "or be entitled to vote, or do any other act, matter, or thing as "such, under the provisions of that Act, unless he shall have "been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid the parochial rates and assessments made and assessed upon him for the period of one whole year, "as well as those due from him at the time of so voting or acting, "except such as shall have been made or become due within six "months immediately preceding such voting or acting;" be it enacted, that such parochial rates and assessments shall be deemed to extend only to rates made for the relief of the poor.

17. *Annual election of Guardians to take place within forty days after the 25th of March.*] And "whereas in the said first-recited Act it is provided, that Guardians of the poor elected "under the provisions of that Act shall go out of office, and "Guardians for the ensuing year shall be chosen within fourteen "days next after the twenty-fifth day of *March* in every year; "and whereas such period hath been found to be too short, and "it is expedient to extend the same:" be it therefore enacted, that the period within which the annual election of Guardians shall take place shall be extended to the period of forty days next after the said twenty-fifth day of *March*, and that the Guardians of the preceding year shall continue in office for the said period of forty days, or until the election of Guardians for the succeeding year have taken place.

18. *Number of Guardians may be altered with reference to population, &c.*] And be it enacted, that it shall be lawful for the said Commissioners, having due regard to the relative population or circumstances of any Parish included in a Union, to

alter the number of Guardians to be elected for such Parish, without such consent as is required by the said first-recited Act.

19. *Parishes may be divided into Wards.*] And be it enacted, that in every case in which a Parish in which Guardians are to be elected under the provisions of the said first-recited Act, contains more than twenty thousand persons, according to the enumeration of the population then last published by authority of Parliament, it shall be lawful for the said Commissioners, by order under their hands and seal, for the purpose of conducting the election of Guardians, to divide such Parish into such and so many Wards as they may deem expedient, so that no such Ward shall contain a number of rated houses less than four hundred, and to determine the number of Guardians to be elected for every such Ward, having due regard to the value of the rateable property therein;

And each such Ward shall, for the purpose of every election of Guardians, so far as the said Commissioners may direct, be considered as a separate Parish.

20. *Qualifications of Guardians in Wards.*] And be it enacted, that in every case in which a Parish is divided into Wards for the purpose of electing Guardians, every person qualified to be elected as a Guardian in the Parish shall be qualified to be elected in any Ward within the same Parish;

But no person shall at any election of Guardians be elected for more than one Ward within the same Parish;

And if at any such election a person be nominated in two or more Wards, the Returning Officer at such election shall, if such person reside within the Parish, give such person notice thereof in writing, to be left at his place of residence on the day following the last day fixed for the nomination of candidates, and such person, whether he reside in the Parish or not, may at any time, until two days preceding the issuing of the voting papers, elect by notice in writing delivered to the Returning Officer any one Ward for which he will stand an election;

And if he do not so elect some one Ward the Returning Officer shall place his name on the list of candidates for that Ward only for which he was first duly nominated.

21. *Voting in Wards.*] And be it enacted, that no person entitled to vote shall give in the whole of the Wards into which a Parish may be divided a greater number of votes than he would be entitled to have given if the Parish had not been divided into



Wards, nor in any one Ward a greater number of votes than he is entitled to in respect of property in that Ward;

But, subject to the foregoing limitations, any rate-payer, owner of property, or proxy entitled to vote may, by notice in writing delivered to the Overseers of the Parish before the day appointed for the annual nomination of candidates, elect in what Ward or Wards he will vote for the ensuing year, and determine the proportion of votes which he will give in any one or more of such Wards;

And if he do not give such notice he shall not be entitled to vote for any Ward in which he does not reside.

24. *Justices who reside in extra-parochial places or Parishes within Unions to be ex officio Guardians.*] And be it enacted, that when any Union has been formed under the provisions of the said first-recited Act, or where the said Commissioners have under the provisions of the said Act directed that the laws for the relief of the poor of any single Parish shall be administered by a Board of Guardians, every Justice of the Peace acting for the county, riding, or division in which such Union or Parish, or any part thereof, is situated, and residing in any extra-parochial place the boundary line of which, or the greater part of the boundary line of which is included within or coincident with the boundary line of such Union or Parish, shall be *ex officio* a Guardian of such Union or Parish;

And every Justice of the Peace residing in any Parish within such a Union, and acting for any county, riding, or division in which any part of such Union is situated, shall be *ex officio* a Guardian of such Union.

*Extract from the Statute 10 & 11 Vict. c. 109.*

25. *For confirmation of the proceedings of Boards of Guardians.*] And be it enacted, that in any civil or criminal proceeding it shall not be necessary to prove the sending of the original order of the Poor Law Commissioners, or of the Commissioners constituting any Board of Guardians, in any case in which any persons professing to form a Board in obedience to such order shall have taken upon themselves to act, and shall have continued for three years to act, in the execution of the laws for the relief of the poor;

And in no proceeding shall it be lawful to question the qualification or validity of the election of any person as a Guardian after the end of twelve months next following the election, or the time when the alleged disqualification or want of qualification of the person against whom such proceeding shall be directed shall have arisen.

*Extract from the Statute 14 & 15 Vict. c. 105.*

2. *The new Board of Guardians to be constituted from and after the 15th April in each year.*] The Guardians elected for the several Parishes in any Union formed or to be formed under the Act of the *fifth* year of King *William* the Fourth, c. 76, or for the several Wards in any Parish divided into Wards, shall continue to act as such until the fifteenth day of *April* inclusive in each year, notwithstanding their successors may have been elected previously to that day; and from and after the said fifteenth day of *April* every Guardian newly elected for any such Parish or Ward shall act as such Guardian for the ensuing year.

3. *Penalties for malpractices at the election of Guardians.*] If any person, pending or after the election of any Guardian or Guardians, shall wilfully, fraudulently, and with intent to affect the result of such election, commit any of the acts following; that is to say,

“ fabricate in whole or in part, alter, deface, destroy, abstract, or purloin any nomination or voting paper used therein ;—

“ or personate any person entitled to vote at such election ; or falsely assume to act in the name or on the behalf of any person so entitled to vote :—

“ or interrupt the distribution or collection of the voting papers ;—

“ or distribute or collect the same under a false pretence of being lawfully authorized to do so :—

Every such person so offending shall for every such offence be liable, upon conviction thereof before any two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding *three months*, with or without hard labour.”

*Extract from the Statute 20 Vict. c. 19.*

5. *Overseers in places formerly Extraparochial may act as Guardians.*] If any such place should be added to any Union,

the Overseer or Overseers thereof shall act as Guardian or Guardians of such place at the Board of Guardians of such Union, until there shall be ratepayers thereof qualified to elect a Guardian ; provided that if the Poor Law Board should direct one Guardian only to be appointed for any such place, and there shall be two Overseers appointed for the same, the Overseer first appointed, or whose name shall stand first in the warrant of appointment, shall act as such Guardian, and in the case of his decease or incapacity during the year of office, the other Overseer shall thenceforth act as such Guardian ; provided also, that no such paid Overseer as aforesaid shall be authorized to act as a Guardian.

## II.—LIST OF PARISHES IN WHICH THE POPULATION EXCEEDED 2,000 IN 1861, ARRANGED IN UNIONS.

UNIONS.	PARISHES.
Aberaeron .....	Llanarth
Abergavenny ....	Abergavenny, Llanover, Upper, Llanwenarth Ulra
Aberystwith .....	Aberystwith
Abingdon .....	St. Helen
Albans, St. ....	St. Albans, St. Michael, St. Peter, Red- borne
Alcester.....	Alcester, Feckenham, Studley
Alderbury.....	Downton, Fisherton Anger
Alnwick.....	Alnwick
Alston with Carrigill	
Alton .....	Alton
Altrincham .....	Altrincham, Ballin Fee, Lynn, Nether Knut-ford, Pownall Fee, Sale
Amersham.....	Amersham, Chesham, Great Missenden
Amphill .....	Amphill
Andover.....	Andover
Anglesey .....	Amlwch
Asaph, St.....	Abergele, St. Asaph, Denbigh, Henllam, Rhyddlan
Ashbourne.....	Ashbourne
Ashby-de-la-Zouch	Ashby-de-la-Zouch, Whitwick
Ashford, West ....	Ashford
Ashton-under-Lyne	Ashton-under-Lyne, Denton, Droylesdon, Duckinfield, Haughton, Hollingworth, Mottram, Newton Moor, Stayley, Tint- wistle
Aston.....	Aston, Sutton Coldfield
Atcham .....	Pontesbury
Atherstone.....	Atherstone, Polesworth
Auckland .....	Bishop Auckland, Auckland West, Coun- don, Crook and Billy Row, Escomb, Edenwood and Barony, Helmington Row, Shildon
Austel, St.....	St. Austel, St. Blazey, Whitworth, St. Ste- phen-in-Brannel, Tywardreath
Axbridge .....	Burnham, Cheddar, Wedmore, Weston Super Mare

# *List of Parishes.*

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UNIONS.	PARISHES.
Axminster .....	Axminster, Beer and Seaton, Colyton, Lyme Regis
Aylesbury .....	Aylesbury
Aylesford, North ..	Frindsbury, Northfleet, Strood
Aylsham .....	Aylsham
Bakewell .....	Bakewell, Tideswell
Bala .....	Llanycill
Banbury .....	Banbury, Neithrop
Bangor and Beaumaris	Bangor, Beaumaris, Llandegai, Llanllechid
Barnet .....	Chipping Barnet, Finchley, Fryern Barnet, South Mims
Barnsley .....	Barnsley, Darton, Dodworth, Nether Hoy- land, Wombwell, Worsbrough
Barnstaple .....	Barnstaple, Bishop's Tawton, Braunton, Ilfracombe
Barton-upon-Irwell	Barton-upon-Irwell, Clifton, Stretford, Worsley
Basford .....	Arnold, Basford, Beeston, Bulwell, Codnor, Carlton, Greasley, East Wood, Heanor, Hucknall, Ilkeston, Kirkby, Rudding- ton, Selston
Basingstoke .....	Basingstoke
Bath .....	Bath, Bathwick, Lincombe and Wid- combe, St. James, St. Michael, St. Peter and St. Paul, Twerton, Walcot, Weston
Battle .....	Battle, Bexhill
Beaminster .....	Beaminster, Netherbury
Bedford .....	St. Paul, St. Peter
Bedminster .....	Bedminster, Clevedon, Nailsea
Bedwelty .....	Aberystroth, Bedwelty
Belper .....	Alfreton, Belper, Crich, Duffield, Heage, Ripley, Wirksworth
Berkhampstead ....	Berkhampstead, Tring
Berwick - upon - Tweed	Ancroft, Berwick-upon-Tweed, Tweed mouth
Bethnal Green ....	
Beverley .....	St. Martin, St. Mary
Bicester .....	Bicester Market End
Bideford .....	Bideford, Northam
Bierley, North ...	Allerton, Bierley North, Calverley, Clay- ton, Cleckheaton, Drighlington, Idle Pudsey, Shipley, Thornton, Tong, Wike, Wilsden
Biggleswade .....	Biggleswade, Sandy Stotfold, South Weald
Billericay .....	Brentwood, Great Bursted

UNIONS.	PARISHES.
Birkenhead .....	Birkenhead, Liscard, Oxtou, Poulton-cum-Seacombe, Tranmere
Bishop Stortford ..	Bishop Stortford, Sawbridgeworth
Blaby.....	Wigston Magna
Blackburn.....	Blackburn, Church, Clayton-le-Moors, Over Darwen, Lower Darwen, Great Harwood, Livesey, Oswaldtwistle, Wilton
Blandford .....	Blandford Forum
Blean ....	Herne, Whitstable
Blything .....	Halesworth, Luston, Southwold
Bodmin .....	Bodmin Borough
Bolton .....	Great Bolton, Little Bolton, Farnworth, Halliwell, Harwood, Horwich, Hulton, Little Kersey, Lever Darcy, Little Lever, Sharples, Tonge with Haulgh, Turton, West Houghton
Boston .....	Boston, Kirton, Skirbeck
Bourn .....	Bourn
Bradfield .....	Tilehurst
Bradford (Wilts) ..	Bradford
Bradford (York) ..	Bowling, Bradford, Horton, Manningham
Braintree .....	Bocking, Braintree, Finchinfield
Bramley .....	Bramley, Gilderstone
Brampton .....	Brampton
Brecknock.....	Brecknock, St. Mary
Brentford .....	Acton, Chiswick, Ealing, Hanwell, Heston, Isleworth, Twickenham
Bridgend and Cow- bridge	Cwmdu, Lower Coyty
Bridgnorth .....	St. Leonard, St. Mary Magdalene
Bridgewater .....	Bridgewater, North Petherton
Bridlington .....	Bridlington
Bridport .....	Bridport
Bromley .....	Beckenham, Bromley, Chislehurst
Bromsgrove .....	Bromsgrove, Redditch
Buckingham .....	Buckingham
Burnley.....	Barrowford, Burnley, Colne, Habergham, Eaves, Great and Little Marsden, Padiham, Trawden
Burton-on-Trent ..	Burton-on-Trent, Burton Extra, Church Gresley, Stanton and Newall
Bury .....	Birtle-cum-Bamford, Bury, Elton, Heap, Hopwood, Pilkington, Radcliffe, Tottington Lower End, Walmersley-cum-Shuttleworth
Caistor .....	Caistor, Gear Grimsby, Market Rasen
Calne .....	Calne

UNIONS.	PARISHES.
Camberwell .....	St. Andrew the Great, St. Andrew the Less, St. Giles
Cambridge .....	Cardiff St. John and Cardiff St. Mary, Llandaff, Pentyrch, Roath, Whitchurch
Cardiff .....	St. Dogmells, St. Mary Cardigan
Cardigan .....	Caldewgate, Dalston, Rickergate, St. Cuthbert Within, St. Cuthbert Without, St. Mary Within, Stannix, Wetheral
Carlisle .....	Abergwilly, Carmarthen, St. Peter, Llanarthney, Llangendeirne
Carmarthen .....	Llanbeblig, Llandwrog, Llanllyfni, Llandeiniollen, Llanrug
Carnarvon .....	Gamlingay
Caxton and Arrington	Chapel-en-le-Frith
Chapel-en-le-Frith.	Chard, Crewkerne, Ilminster
Chard .....	Caverswall, Cheadle, Checkley, Kingsley
Cheadle .....	Great Baddow, Chelmsford, Springfield, Great Waltham, Writtle
Chelmsford .....	
Chelsea .....	Cheltenham, Charlton Kings, Leckhampton
Cheltenham .....	Chepstow, Lydney
Chepstow .....	Chertsey, Chobham, Walton-upon-Thames, Windlesham
Chertsey .....	Ashover, Brampton, Chesterfield, Clay Lane, Dronfield, Eckington, Newbold and Dunston, Staveley, Whittington
Chesterfield .....	Birtley, Chester-le-Street, Lamesley, Pelton, Usworth, Witton Gilbert
Chester-le-Street ..	Chesterton, Cottenham
Chesterton .....	Box, Chippenham, Corsham
Chippenham .....	Chipping Norton
Chipping Norton ..	Hawksbury
Chipping Sodbury .	Chorley, Leyland, Whittle-le-Woods, Withnel
Chorley .....	Ardwick, Chorlton-on-Medlock, Gorton, Hulme, Levinsholme, Mossdale, Openshaw, Rusholme, Withington
Chorlton .....	Christchurch, Holdenhurst
Christchurch .....	Cirencester
Cirencester .....	Clifton, Henbury, St. George, St. James and St. Paul, St. Philip and St. Jacob, Stapleton, Westbury-upon-Trim, Winterborne
Clifton .....	
Clitheroe .....	Clitheroe
Clun .....	Clun

UNIONS.	PARISHES.
Clutton .....	Midsummer Norton, Radstock
Cockermouth ....	Cockermouth, Cross Canonby, Keswick, Workington
Colchester.....	St. Botolph, St. Giles, St. Peter.
Columb, St. Major.	Columb Major, St. Columb Minor, Pad- stow
Congleton .....	Biddulph, Buglawton, Congleton, Oldrode, Sandbach
Conway .....	Llandudno
Cookham .....	Bray, Cookham
Corwen .....	Corwen, Llangollen
Cosford .....	Hadleigh
Cranbrook.....	Cranbrook, Goudhurst, Hawkhurst
Crediton .....	Crediton
Crickhowell .....	Lanelly, Langattock, Langunider
Cricklade & Woot- ton Bassett	Purton, Wootton Bassett
Croydon .....	Croydon, Mitcham, Penge
Cuckfield .....	Cuckfield, Hurstperpoint
Darlington .....	Darlington
Dartford .....	Bexley, Crayford, Dartford, Erith, Swans- combe
Daventry .....	Long Buckby, Daventry, Weedon Beck
Depwade .....	Diss
Derby .....	All Saints, Litchurch, St. Alkmund, St. Peter, St. Werburgh
Devizes .....	St. Mary, St. James
Dewsbury .....	Batley, Dewsbury, Gomersal, Heckmond- wike, Liversedge, Mirfield, Morley, Os- sett, Soothill, Thornhill
Dolgelly.....	Dolgelly
Doncaster .....	Doncaster, Uxborough
Dorchester .....	Fordington
Dorking .....	Dorking
Dover .....	Buckland, Charlton, Hougham, St. James, St. Mary
Downham .....	Downham Market
Drayton .....	Drayton-in-Hales
Driffeld .....	Great Driffeld
Droitwich .....	Claines, Ombersley
Droxford .....	Bishop's Waltham, Droxford
Dudley .....	Dudley, Rowley Regis, Sedgeley, Tipton
Dunmow .....	Dunmow Great, Thaxted
Durham .....	Coxhoe, Crossgate, Elvet, Framwellgate, Gilligate, St. Nicholas, Pittington, Sher- burn, Willington
Dursley .....	Dursley, Wootton-under-Edge ..



UNIONS.	PARISHES.
Easington .....	Dawdon, East Morton, Haswell, Seaham, Thorley, Wingate
Easingwold .....	Easingwold
Eastbourne .....	Eastbourne
East Grinstead ....	East Grinstead, Lingfield, Worth
Easthampstead ....	Winkfield
East Retford.....	Clarbrough, East Retford
Eastry .....	Ash, Deal, Walmer
East Stonehouse ..	
Ecclesall Bierlow..	Ecclesall Bierlow, Hallam Nether, Norton
Edmonton.....	Cheshunt, Edmonton, Enfield, Hornsey, Tottenham, Waltham Abbey
Elham .....	Cheriton, Folkestone, Hythe
Ellesmere .....	Ellesmere
Ely.....	Downham, Ely St. Mary, Ely Trinity, Littleport
Epping .....	Chigwell, Epping, Harlow
Epsom .....	Carshalton, Epsom, Leatherhead, Sutton
Erpingham .....	North Walsham
Eton .....	Burnham, Eton, Iver, Upton-cum-Thalvey
Falmouth .....	Budock, Constantine, Falmouth, Falmouth Town, Mylor, Penryn
Fareham .....	Fareham, Titchfield
Faringdon .....	Great Faringdon
Farnham .....	Aldershot, Farnham, Frimley
Faversham .....	Faversham
Festiniog .....	Festiniog, Ynyschynhaiarn
Foleshill .....	Bedworth, Foleshill
Fordingbridge ....	Fordingbridge
Frome .....	Frome, Kilmersdon
Fulham .....	Fulham, Hammersmith
Fylde.....	Kirkham, Layton-with-Warbreck, Lytham, Thornton with Fleetwood
Gainsborough ....	Gainsborough, Haxey
Gateshead .....	Gateshead, Heworth, Whickham, Winlaton
George, St., in-the East .....	
George, St., the Martyr .....	
Germans, St.....	Antony, Maker, St. Germans
Glandford Brigg ..	Barrow, Barton St. Mary, Glandford Brigg, Kirton
Glendale .....	Ford
Glossop.....	Glossop, Hadfield, Whitfield
Gloucester.....	Barton St. Mary, Barton St. Michael, Kingsholme, St. Catherine, St. John the Baptist, St. Nicholas, South Hamlet
Goole.....	Goole, Hook
Gower .....	Oystermouth

Grantham .....	Grantham, Manthorpe, Spittalgate
Gravesend and Mil- ton .....	Gravesend, Milton
Greenwich .....	Greenwich, Woolwich, Deptford, St. Nicholas, St. Paul
Guildford .....	Godalming, Stoke, Woking
Guisborough .....	Eston, Guisborough, Normanby
Hackney .....	St. John, St. Mary, Newington
Hailsham .....	Hailsham
Halifax .....	Barkisland, Elland with Greetland, Halifax, Hipperholme-cum-Brighouse, Midgley, Northoram, Ovendon, Rastrick, Shelf, Skircote, Southoram, Sowerby, Soyland, Stainland with Old Lindley, Warley
Halstead .....	Halstead, Sible, Headingham
Hampstead .....	
Hartismere .....	Eye
Hartlepool .....	Hartlepool, Seaton Carew
Hartley Wintney ..	Crondal, Odiham
Haslingden .....	Accrington New, Accrington Old, Higher Booths, Lower Booths, Cowpe Lenches, Haslingden, New Church, Tottington Higher End
Hastings .....	All Saints, St. Clement, St. Mary in the Castle, St. Mary Magdalen
Hatfield .....	Hatfield
Havant .....	Havant, Warblington
Haverfordwest ....	St. David, Fishguard, St. Martin, St. Thomas, Steynton
Hawarden .....	Hawarden
Hayfield .....	Beard Ollersset, Disley, Hayfield
Headington .....	St. Giles, St. Clement, Headington
Helston .....	Breage, Crowan, Helston, Sithney, Wen- dron
Hemel Hempstead ..	Hemel Hempstead
Hendon .....	Harrow-on-Hill, Hendon, Willesden
Henley .....	Henley
Hereford .....	All Saints, St. Owen, St. Peter
Hertford .....	St. Andrew, St. John
Hexham .....	Allendale, Haydon, Hexham
Highworth and Swindon .....	Highworth, Swindon
Hinckley .....	Earl Shilton, Hinckley
Hitchin .....	Hitchin, Stevenage
Holbeach .....	Holbeach, Sutton St. Mary, Whaplode
Holbeck .....	
Holborn .....	St. Andrew, and St. George Saffron Hill, St. Sepulchre
Hollingbourn ....	Lenham
Holyhead .....	Holyhead

UNIONS.	PARISHES.
Holywell .....	Flint, Holkin, Holywell, Llanasa, Mold, Northop, Whitford
Honiton .....	Honiton, Ottery St. Mary, Sidmouth
Horncastle .....	Horncastle
Horsham .....	Horsham
Houghton-le-Spring	Hetton-le-Hole, Houghton-le-Spring, Newbottle Painshaw
Howden.....	Howden
Huddersfield.....	Almondbury, Cartworth, South Crossland, Cumberworth, Dalton, Foolstone, Golcar, Honley, Huddersfield, Kirkburton, Kirk- heaton, Lepton, Lindley-cum-Quarmby, Linthwaite, Lockwood, Longwood, Mars- den-in-Almondbury, Meltham, Slaith- waite, Upper-Thong, Wooldale
Hungerford .....	Great Bedwin, Hungerford, Lambourn, Ramsbury
Hunslet.....	
Huntingdon .....	Godmanchester, Ramsey
Ipswich.....	St. Clement, St. Helen, St. Margaret, St. Mary, Stoke, St. Matthew, St. Peter
Ives St. ....	St. Ives
Keighley .....	Bingley with Mickethwaite, Haworth, Keighley, Morton
Kendal .....	Kendal
Kensington .....	
Kettering .....	Kettering, Rothwell
Keynsham.....	Bitton, Keynsham, Mangotsfield, Oldland
Kidderminster ....	Bewdley, Kidderminster Borough, Kidder- minster Foreign, Lower Mitton, Wol- verley
Kingsbridge .....	Marlborough
Kingsclere.....	Kingsclere
King's Lynn .....	All Saints, St. Margaret
King's Norton ....	Edgbaston, Harborne, King's Norton, Northfield
Kingston - on - Thames	Hampton, Kingston, Thames Ditton, Wim- bledon
Kington.....	Kington
Knaresborough ....	Bilton, Knaresborough
Lambeth .....	
Lancaster .....	Lancaster
Lanchester .....	Benfieldside, Conside and Knitsley, Ive- stone, Lanchester, Tanfield

UNIONS.	PARISHES.
Langport .....	Somerton
Launceston .....	St. Mary Magdalen, Stoke-Climsland
Ledbury .....	Ledbury
Leeds .....	
Leek .....	Leek and Lowe, Norton-in-the-Moors
Leicester .....	All Saints, St. Margaret, St. Martin, St. Mary
Leigh .....	Astley, Atherton, Bedford, Culceth, Goldborne, Lowton, Pennington, Tyldesley, West Leigh
Leighton Buzzard..	Leighton Buzzard
Leominster .....	Leominster Borough
Lewes .....	All Saints, St. John
Lewisham .....	Charlton, Eltham, Lee, Lewisham, Plumstead
Lixden and Winstree	Brightingree
Lichfield .....	St. Mary, St. Michael, Rugeley, Shenstone
Lincoln .....	St. Martin, St. Peter at Gowts, St. Swithin
Liskeard .....	Callington, Linkinhorne, Liskeard Borough, Menheniot, Cleer, St., Ive, St.
Llandilo-Fawr ....	Llandebie, Llandilo-Fawr
Llandovery .....	Convil Cayo, Llandingat, Llangadock
Llanelly .....	Llanelly, Pembrey
Llanfyllin .....	Gullsfield, Llanfair Caereinion
Llanrwst .....	Llanrwst
London, City of ..	St. Anne Blackfriars, St. Stephen Coleman Street
London, East ....	St. Botolph Aldersgate, St. Botolph Aldgate, St. Botolph Bishopsgate, St. Giles Cripplegate
London, West ....	St. Andrew Holborn, St. Bartholomew the Great, St. Bride, St. Dunstan in the West, St. Sepulchre
Longtown .....	Arthuret
Loughborough ....	Loughborough, Sheepshead
Louth .....	Louth
Ludlow .....	Ludlow
Luton .....	Dunstable, Houghton Regis, Luton
Lutterworth .....	Lutterworth
Lymington .....	Boldre, Lymington
Macclesfield .....	Bollington, Hudsfield, Macclesfield, Sutton
Machynlleth .....	Llanbrynmair, Towyn
Madeley .....	Broseley, Dawley, Madeley, Much Wenlock
Maidstone .....	Maidstone, Marden, Yalding
Maldon .....	St. Peter
Malling .....	Aylesford, Peckham East, West Malling, Wrotham

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UNIONS.	PARISHES.
Malsbury .....	Malsbury
Malton .....	New Malton, Norton
Manchester .....	
Mansfield .....	Mansfield, Mansfield Woodhouse, Sutton-in-Ashfield
Market Harborough	Market Harborough
Martin - in - the - Field, St.	
Martley .....	Leigh
Medway .....	Chatham, Gillingham, St. Margaret, St. Nicholas, Rochester
Melksham .....	Melksham, Trowbridge
Melton Mowbray ..	Melton Mowbray
Mere .....	Mere
Meriden .....	Coleshill
Merthyr Tydfil ....	Aberdare, Gelligaer, Merthyr Tydfil, Vaynor
Mildenhall .....	Mildenhall
Mile End Old Town .....	
Milton .....	Milton, Sittingbourne
Mitford and Launditch	East Dereham
Monmouth .....	Monmouth, Newland, West Dean
Morpeth .....	Bedlington, Morpeth
Nantwich .....	Nantwich, Coppenhall Monks
Narberth .....	St. Issells
Neath .....	Aberavon, Briton Ferry, Coedfrank, Higher Llangonoyd, Llanguicke, Llansamlet Lower, Margam, Michalston Lower, Neath, Ystradgynlais Lower
Neots, St. ....	Eaton Socon, St. Neots
Newark .....	Newark
Newbury .....	Newbury, Speen, Thatcham
Newcastle - in - Emlyn	Llandysil
Newcastle - under - Lyme	Audley, Newcastle-under-Lyme
Newcastle - upon - Tyne	All Saints, Byker, Elswick, Jesmond, St. Andrew, St. John, St. Nicholas, Westgate
Newent .....	Newent
New Forest .....	Eling
Newmarket .....	St. Mary, Soham, St. Woollos
Newport (Monmouth)	Christchurch, Mynydd-y-Llwyn, Newport, Risca
Newport (Salop) ..	Gnosall, Lilleshall, Newport
Newport Pagnell ..	Newport Pagnell, Olney

UNIONS.	PARISHES.
Newton Abbott ....	Ashburton, Bovey Tracey, Chudleigh, Dawlish, St. Mary Church, Teignmouth East, Teignmouth West, Tormoham, Wolborough
Newtown and Llanidloes	Llanidloes, Llanllwchaiarn, Newtown
Northallerton ....	Northallerton
Northampton ....	All Saints, St. Andrew, St. Giles, St. Sepulchre
North Bierley ....	Allerton, Calverley, Clayton, Cleckheaton, Drighlington Idle, North Bierley, Pudsey, Shepley, Thornton, Ling Wike, Wilsden
Northwich .....	Leftwich, Over, Warton, Witton Priory
North Witchford ..	Chatteris, March
Nottingham .....	St. Mary, St. Nicholas, St. Peter
Nuneaton .....	Chilvers Coton, Nuneaton
Oakham .....	Oakham, Lord's Hold
Olave's, St. ....	St. John's Horsleydown, St. Olave's Southwark
Oldham .....	Chadderton, Crompton, Middleton, Oldham, Royton, Thornham, Tonge
Ormskirk .....	Burscough, Lathom, North Meols, Ormskirk, Scarisbrik
Orsett .....	Horndon-on-the-hill
Oundle .....	Oundle
Paddington .....	
Pateley Bridge ....	High and Low Bishopside
Pembroke .....	St. Mary Pembroke, St. Mary Tenby
Penistone .....	Thurlstone
Penkridge .....	Brewood, Cannock, Penkridge
Penrith .....	Penrith
Penzance .... .	Ludgvan, Madron, Paul, Penzance, St. Erth, St. Ives, St. Just, Uny Lelant
Pershore .....	Holy Cross
Peterborough ....	Crowland, Peterborough
Petworth .....	Petworth
Pewsey .....	Pewsey
Pickering .....	Pickering
Plomesgate .....	Framlingham
Plymton St. Mary .	Plympton St. Mary, Plymstock
Pocklington .....	Market Weighton, Pocklington
Pontefract .....	Knottingley, Pontefract
Pont-y-pool .....	Panteague, Trevethin
Pontypridd .....	Eglwysilan, Llanfabon, Llantrisant, Llan-twit Vaire, Llanwonno, Ystradfydwg
Poole .....	St. James

UNIONS.	PARISHES.
Poplar .....	All Saints Poplar, St. Leonard's Bromley, St. Mary Stratford-le-Bow
Portsea Island ....	Portsea, Portsmouth
Potterspury .....	Wolverton
Prescot .....	Eccleston, Huyton, Much Woolton, Parr, Prescott, Rainford, Rainhill, Sutton, Widness, Windle
Preston .....	Fulwood, Preston, Walton-le-Dale
Prestwich .....	Blackley, Bradford, Cheetham, Crumpsall, Failsworth, Newton, Prestwich
Pwllheli .....	Denio
Radford .....	Lenton, Radford, Sneiton
Reading .....	St. Giles, St. Laurance, St. Mary
Redruth .....	Camborne, Gwinear, Gwennap, Illogan, Phillack, Redruth, St. Stythians
Reigate .....	Reigate Borough, Reigate Foreign
Richmond (Surrey).	Barnes, Mortlake, Richmond
Richmond (York)..	Richmond
Ringwood .....	Ringwood
Ripon .....	Ripon
Risbridge .....	Haverhill
Rochdale .....	Blatchinworth and Calderbrook, Butter- worth, Castleton, Spotland, Wardle- worth, Wuerdle and Wardle
Rochford .....	Prittlewell
Romford .....	Barking, Dagenham, Hornchurch, Rom- ford
Romsey .....	Romsey Extra, Romsey Infra
Ross .....	Ross
Rotherham .....	Greasbrough, Kimberworth, Rawmarsh, Rotherham, Swinton
Rotherhithe .....	
Rugby .....	Rugby
Runcorn .....	Runcorn
Ruthin .....	Llanarmon
Rye .....	Rye
Saddleworth .....	
Saffron Walden ..	Saffron Walden
Salford .....	Broughton, Pendlebury, Pendleton, Sal- ford
Saviour's, St. ....	Christchurch, St. Saviour
Scarborough .....	Scarborough
Sculcoates .....	Cottingham, Drypool, Sculcoates, South- coates, Sutton and Stoneferry
Sedbergh .....	Sedbergh
Sedgefield .....	Trindon
Seisdon .....	Kinfare, Tettenhall, Wombourne

*List of Parishes.*

UNIONS.	PARISHES.
Selby .....	Selby
Settle .....	Bentham
Seven Oaks .....	Seven Oaks, Westerham
Shaftesbury .....	Gillingham
Shardlow .....	Castle Donnington, Melbourne
Sheffield .....	Attercliffe, Brightside Bierlow, Handsworth, Sheffield
Sheppey .....	Minster
Shepton Mallet ....	Shepton Mallet
Sherborne .....	Sherborne
Shiffnal .....	Shiffnal
Shipston-on-Stour .	Blockley
Skipton .....	Barnoldswick, Silsden, Skipton, Thornton
Sleaford .....	New Sleaford
Solihull .....	Solihull, Yardley
South Molton ....	South Molton
South Shields ....	Hedworth, South Shields, Westoe
South Stoneham ..	Hound, Hillbrook, South Stoneham
Southwell .....	Southwell, St. Mary Extra
Spalding .....	Gosberton, Moulton, Pinchbeck, Spalding
Spilsby .....	Alford
Stafford .....	Castle Church, St. Mary and St. Chad
Staines .....	Staines, Sunbury
Stamford .....	All Saints
Stepney .....	Limehouse, Ratchliffe, Shadwell, Wapping
Steyning .....	Hove, New Shoreham
Stockport .....	Bredbury, Brinnington, Cheadle, Bulkeley, Cheadle Moseley, Handforth-cum-Bosden, Heaton Norris, Hyde, Marple, Stockport, Werneth
Stockton .....	Middlesborough, Norton, Stockton, Thornaby
Stoke-upon-Trent .	
Stone .....	Eccleshall, Stone, Trentham
Stourbridge .....	Amblecote, Cradley, Hales Owen, King Swinford, The Lye, Stourbridge, Swinford, Wollaston
Stow .....	Stow Market
Strand .....	St. Anne Soho, St. Clement Danes, St. Mary-le-Strand, St. Paul Covent Garden, Liberty of the Rolls
Stratford-on-Avon .	Old Stratford, Stratford-on-Avon, Wootton Waven
Stroud .....	Avening, Bisley, Horsley, Kingstanley, Minchinhampton, Painswick, Rodborough, Stonehouse, Stroud
Sudbury .....	Melford, Sudbury



# *List of Parishes.*

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UNIONS.	PARISHES.
Sunderland .....	Bishop Wearmouth, Ford, Monk Wearmouth, Monk Wearmouth Shore, Ryhope, Southwick, Sunderland
Swaffham .....	Swaffham
Swansea.....	Clase, St. John, Swansea Town and Franchise, Higher and Lower Swansea, St. Thomas
Tamworth .....	Tamworth
Taunton.....	St. James, St. Mary Magdalen
Tavistock .....	Beer Ferris, Lidford, Tavistock
Teesdale.....	Barnard Castle, Middleton
Tendring .....	Harwich, St. Nicholas
Tenterden .....	Tenterden
Tetbury .....	Tetbury
Tewkesbury .....	Tewkesbury
Thame .....	Thame
Thanet, Isle of ....	Margate, Ramsgate, St. Lawrence, St. Peter
Thetford .....	Brandon
Thirsk .....	Thirsk
Thomas, St. ....	Broadclist, East Budleigh, Heavitree, Little-Ham, St. Thomas, Topsham, Withycombe Rawleigh
Thornbury.....	Thornbury
Thorne .....	Crowle, Epworth, Thorne
Thrapstone .....	Rounds
Ticehurst .....	Burwash, Frant, Salehurst, Ticehurst, Wadhurst
Tiverton .....	Cullompton, Tiverton, Uffculm
Todmorden .....	Heptonstall, Langfield, Stansfield, Todmorden and Walsden, Wadsworth
Tonbridge .....	Brenchley, Hadlow, Speldhurst, Tonbridge
Torrington.....	Great Torrington
Totnes .....	Brixham, Buckfastleigh, Paignton, St. Saviour, Totnes
Towcester .....	Towcester
Toxteth Park ....	
Truro.....	Kea, Kenwyn, Perranzabulue, St. Agnes, St. Clement, St. Feock, St. Mary
Tynemouth .....	Blyth and Newsham, Chirton, Cowpen, Cramlington, Long Benton, North Shields, Seaton Delaval, Tynemouth, Wallsend
Uckfield .....	Fletching, Mayfield, Rotherfield
Ulverstone .....	Dalton, Ulverstone
Uppingham .....	Uppingham
Upton-on-Severn..	Great Malvern, Powick, Upton-on-Severn
Uttoxeter .....	Uttoxeter
Uxbridge .....	Hayes, Hillington, Norwood, Uxbridge

UNIONS.	PARISHES.
Wakefield .....	Alverthorpe with Thornes, Crigglestone, Horbury, Lofthouse-cum-Earleton, Shilington, Stanley-cum-Wrenthorpe, Wakefield
Walsall .....	Darlaston, Rushall, Walsall, Walsall Foreign
Walsingham .....	Fakenham, Wells
Wandsworth and Clapham .....	Battersea, Clapham, Putney, Streatham, Tooting, Graveny, Wandsworth
Wangford .....	Beccles
Wantage .....	Wantage
Ware .....	Standon, Ware
Wareham and Purbeck	Swanage
Warminster .....	Warminster
Warrington .....	Haydock, Latchford, Newton, Warrington
Warwick .....	Kenilworth, Leamington Priors, St. Mary, St. Nicholas
Watford .....	Abbotts, Langley, Bushey, Rickmansworth, Watford
Wayland .....	Attleborough
Weardale .....	Stanhope, Walsingham
Wellingborough ..	Wellingborough
Wellington (Salop)	Wellington, Wombridge, Wrockwardine
Wellington (Somerset)	Wellington, Wiveliscombe
Wells .....	St. John, and St. Benedict, St. Cuthbert In, St. Cuthbert Out
Wem .....	Prees, Wem
Westbourne .....	Westbourne
West Bromwich ..	Handsworth and Perrybar, Oldbury, Wednesday, West Bromwich
Westbury-on-Severn	East Dean, Westbury-on-Severn
Westbury & Whorwelsdown	Westbury
West Derby .....	Bootle-cum-Linacre, Crosby Great, Everton, Garston, Kirkdale, Litherland, Walton-on-the-Hill, Wavertree, West Derby
West Ham .....	East Ham, Leyton, Walthamstow, Wanstead, West Ham, Woodford
Weymouth .....	Melcombe, Portland, Weymouth, Wyler Regis
Wharfedale .....	Guiseley
Whitby .....	Hinderwell, Ruswarp, Whitby
Whitchurch (Salop)	Whitchurch
Whitechapel .....	Christchurch, Mile End New Town, Old Artillery Ground, St. Botolph-without Aldgate, Whitechapel

UNIONS.	PARISHES.
Whitehaven .....	Clator, Egremont, Preston Quarter, Whitehaven
Whittlesey .....	
Wigan .....	Ashton-in Mackerfield, Aspull, Billinge, Chapel End, Blackrod, Hindley, Ince, Orrell, Pemberton, Standish-with-Langtree, Upholland, Wigan
Wight, Isle of ....	Brading, Carisbrooke, Newchurch, Newport, Whippendham, Northwoop, St. Helen's
Wigton .....	Wigton
Williton .....	St. Decuman's
Wimborne & Cranborne .....	Cranborne, Wimborne Minster
Wincanton .....	Bruton, Castle Cary, Wincanton
Winchcombe .....	Winchcombe
Winchester New ..	St. Maurice, St. Thomas
Windsor .....	Clewer, Egham, New Windsor
Wirrall .....	Higher Bebbington, Lower Bebbington
Wisbeach .....	Terrington, St. Clement, Upwell, Norfolk, Walsoken, Wisbeach St. Peter
Witham .....	Great Coggleshall, Witham
Witney .....	Ensham, Witney
Woburn .....	Toddington
Wokingham .....	Wokingham
Wolstanton & Burslem .....	Burslem, Wolstanton
Wolverhampton ..	Bilston, Wednesfield, Willenhall, Wolverhampton
Woodbridge .....	Woodbridge
Woodstock .....	Deddington
Worcester .....	All Saints, St. Clement, St. John, St. Martin, St. Peter, Whistones
Worksop .....	Worksop
Wortley .....	Bradfield, Ecclesfield
Wrexham .....	Bersham, Broughton, Brymbo, Hope, Ruabon, Wrexham, Abbott, Wrexham Regis
Wycombe .....	Great Marlow, Princes Risborough, Woburn, Wycombe Borough, Chipping Wycombe, West Wycombe
Yarmouth .....	
Yeovil .....	Martock, South Petherton, Yeovil
York .....	All Saints, Peasholm, St. Saviour, St. Maurice, St. Mary, Bishophill - the - Younger, St. George, St. Giles-in-the Suburbs, Clifton, Gate Fulford

**III.—LIST OF PARISHES AND TOWNSHIPS  
WHICH HAVE BEEN DIVIDED INTO  
WARDS.**

Ashton-under-Lyne  
Blackburn  
Cheltenham  
Hackney  
Hunslet  
Kingswinford  
Lambeth  
Leeds  
Leicester

Nottingham, St. Mary  
Oldham  
Preston (Lancashire)  
Shoreditch  
Spotland  
Stoke-upon-Trent  
Walsall  
Great Yarmouth

#### IV.—CIRCULAR LETTER OF THE POOR LAW BOARD AS TO THE QUALIFICATION OF OCCUPIERS OF SMALL TENEMENTS TO VOTE.

POOR LAW BOARD,  
Whitehall, S. W.,  
2nd April, 1866.

SIR,

I am directed by the Poor Law Board to state, that from inquiries which have been made of them, they are induced to believe that some misunderstanding exists as to the purport of a late decision of the Court of Queen's Bench, in reference to the qualification of the occupiers of small tenements to vote in the election of Guardians.

They, therefore, desire to state, that an application was made in Michaelmas term last to that court, for a *quo warranto* information against a person named Hampton, for exercising the office of Guardian in the West Bromwich Union. Several questions were raised, among others, whether occupiers of small tenements in the parish of West Bromwich, the owners of which had compounded for the poor rates, were entitled to vote in the election of guardians.

It appeared that there is a local Act, termed the "West Bromwich Rate Act," 13 & 14 Vict. c. 4, whereby, after enacting,—

That the owners of every tenement within the parish of West Bromwich, not exceeding £7 rateable value, according to 6 & 7 Will. 4, c. 96, shall and may be rated and assessed, and shall pay the poor rate, highway rates, &c., instead of the occupiers thereof, it is provided, that notwithstanding the rating of or payment by any such owner under this Act, such rating and payment shall not in any manner affect or prejudice the right of any occupier to the enjoyment of any franchise or privilege, whether municipal or parochial, to which he might be or become entitled within the said parish, in case such owner or occupier, or either of them, shall have paid the full amount payable in respect of the property

for which such occupier claims to exercise such franchise or privilege.

The Court decided, that under the terms of this proviso the occupiers of the small tenements, whose landlords were assessed and paid the rates, were entitled to vote as ratepayers in the election of the Guardians for the parish. They gave no decision as to the effect of the statute 13 & 14 Vict. c. 99, the general "Small Tenements Rating Act," as no question arose upon it.

The case is reported in 13 *Law Times Report* (N. S.), p. 431, by the name of *Reg. v. Hampton and others*.

I am, Sir,

Your obedient servant,

W. G. LUMLEY,

Assistant Secretary.

To the Clerk to the Guardians.

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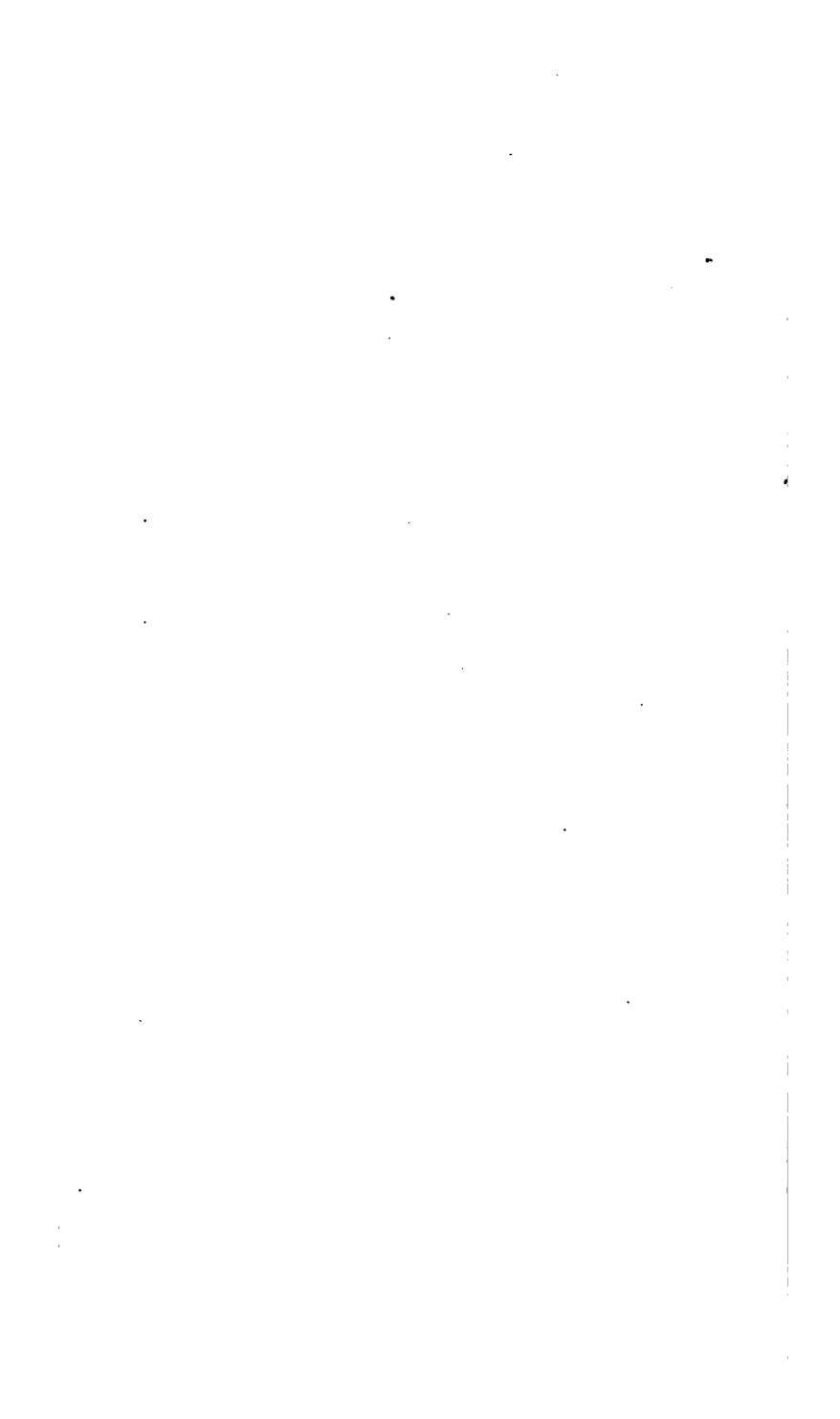
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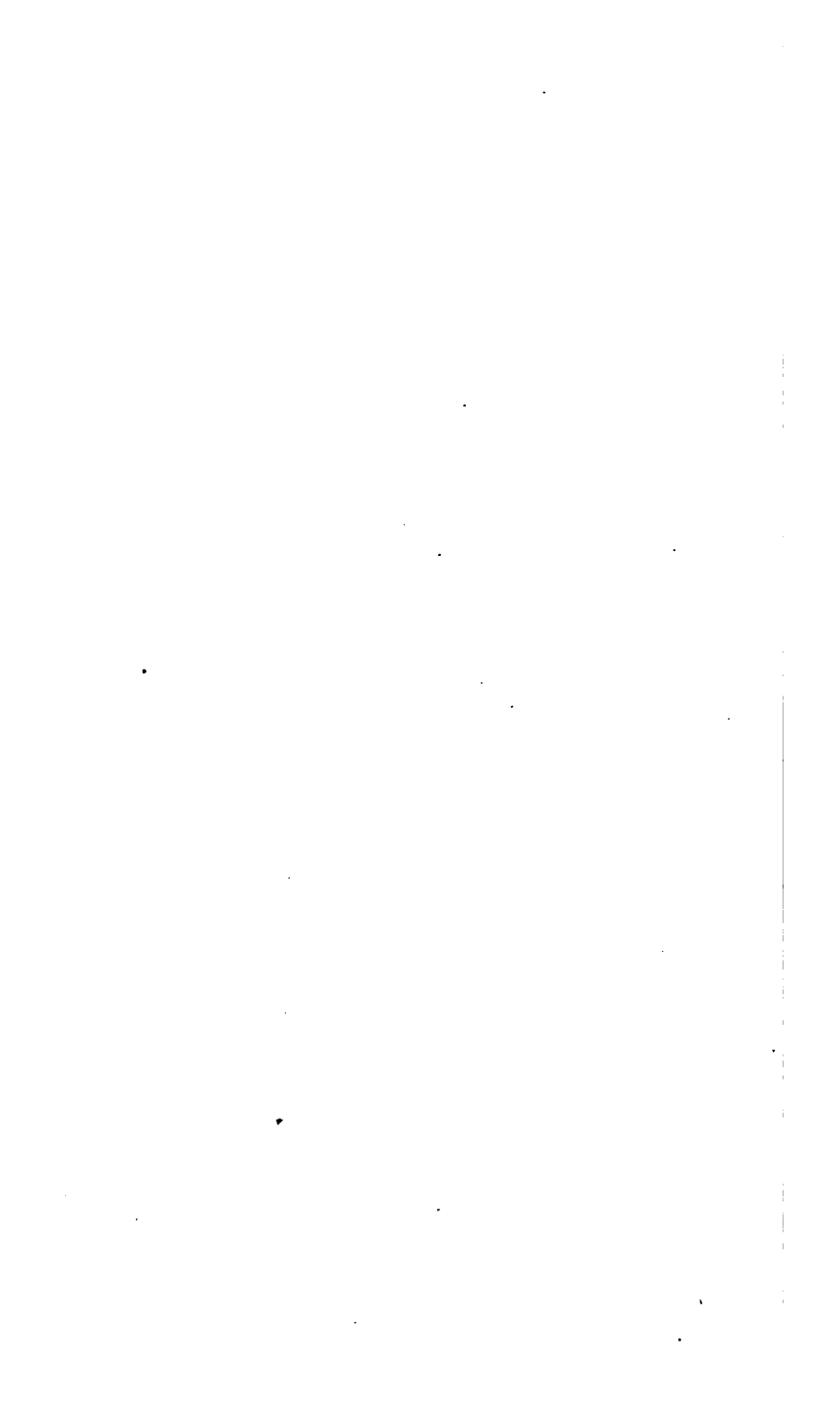
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